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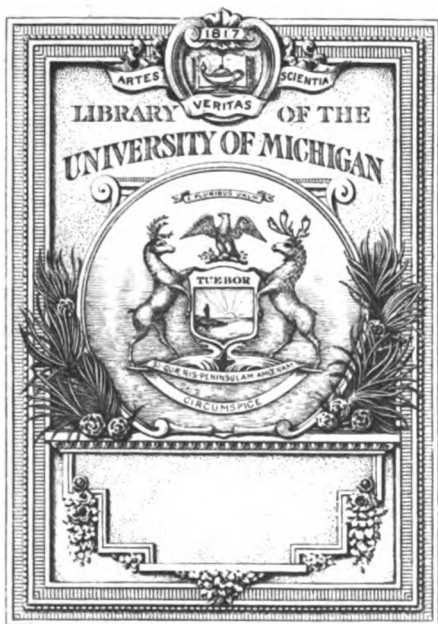
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EDITED, WITH NOTES,

BY THE LATE

TOULMIN SMITH, ESQ.

FELLOW OF THE ROYAL SOCIETY OF NORTHERN ANTIQUARIES (COPENHAGEN).

WITH AN INTRODUCTION AND GLOSSARY, &c.,

BY HIS DAUGHTER,

LUCY TOULMIN SMITH.

AND A PRELIMINARY ESSAY IN FIVE PARTS,

On the History and Development of Gilds,

BY

LUJO BRENTANO,

DOCTOR JURIS UTRIVSQUE ET PHILOSOPHIE.

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INTRODUCTION.

IT is with mingled feelings that I now send this volume forth. A sorrow, in which its readers will share, that the hand which had laboured so long and so patiently was stayed ere its task was ended, that the work which should be the book he "desired to be remembered by" was yet unfinished when its author was suddenly called away, is but partly consoled by the thought that so much of that work as he had done is not lost, and that it has been at length completed, as far as might be, although by feebler hands. That it should be so completed, in a manner as much as possible worthy of the attention and care bestowed upon it by my father, has been my constant aim and endeavour; and I have had a melancholy satisfaction in filling in the rest of the outline design of this, the last labour of love undertaken by him, out of his devotion to Freedom and to the welfare of his fellow Englishmen.

A few words of explanation are due to many who have been long looking for the issue of this volume. For some months before my father's death, in April of the present year, his illness had delayed the progress of the work. Having long acted as his amanuensis, it seemed most natural afterwards that I should superintend the remainder in going through the press, rather than another, who might be an entire stranger to the papers and notes;

and even with this advantage, I had much to overcome in mastering all the details of the book. Inexperience, and the results of a painful bereavement have, I fear, caused further delay; in short, a daughter's affection and reverence for her father's name are the strongest reasons I can offer for undertaking this myself, instead of yielding it up to other and more efficient hands.

It is right that I should state the position of the work at the time I took it up, in order to point out the authenticity of each portion. The whole of Parts I. and II. were finished by my father, with the exception of a few trifling press corrections and short notes in the last ten pages. The whole of the four Records contained in Part III. were in type, but of these, the Winchester "Usages" alone was nearly ready: all required careful collation and notes, most of them wanted the marginal abstract. The Appendix I. was not in type. Except in the case of the Ordinances of the Norwich Gild contained in the Appendix, which Mr. Parker of Oxford has been kind enough twice to collate for me, I have myself supplied all that was thus wanting, taking the utmost care to make the transcripts correct and trustworthy¹. In the Glossary, which I have also compiled, I have had the advantage of the friendly advice of Mr. Richard Morris, who has moreover, at the request of Mr. Furnivall, been good enough to prepare the Grammatical Notes on the forms of early English here printed.

In the following short Introduction I attempt to sketch out, though I fear but imperfectly, some of the ideas that my father entertained upon the wide subject that is opened up by the present volume, and to give a slight abstract of its chief features. In doing this, I have yielded to the desire of old and valued friends, who have urged that the point of view from which English Gilds and their history was regarded by one who was so thoroughly conversant with the life and spirit of English institutions, would be of the greatest interest, and that as he has unhappily left the intended Introduction unwritten, it would be well to throw his

¹ Notes added by me are distinguished by the initials L.T.S.

notes and materials into some shape¹. Besides notes made expressly for this purpose, I have availed myself of those made for two Lectures on the Records of England, delivered at Birmingham, in April, 1865, in which my father gave some account of the Records of the Gilds, and the pictures of their laws and customs therein discovered.

Several years ago, while following up some searches at the Public Record Office for the purposes of another work, my father's inquiries led to the bringing out of some hitherto almost unused bundles of documents², which at once attracted his attention as connected with the subject of Gilds. On fully looking these over, he found that they were of the highest interest, giving an amount of information, and throwing a light upon the history of the Gilds of England not anywhere else known. He made a calendar, and careful notes of each one of the whole series, thus occupying the leisure hours of many months; and during the course of this study he became convinced that,—besides the value of the view of “manners, morals, and language of the time,” which he considered one of the most complete in itself anywhere to be found,—these old Records possessed a value for the men and women of England of the present day, which ought to be made known. In the midst of the perplexing problems presented by modern Trades-unionism, and the dangers to enterprise and manly liberty threatened by its restrictive rules, my father, who knew that Englishmen can “never appeal to their fathers in vain, when they earnestly invoke the spirit of solid freedom³,” saw how the ancient principle of association, more than a thousand years old, had been in use as a living practice among the common folk, that it had been “a part of the essential life of England, and always worked well till forcibly meddled with;” and he believed that if the spirit in which those

¹ In several places throughout the book, reference is made to what “will be” said or found in the “Introduction.” On some of these points I have touched where it seemed fitting; others, feeling it impossible, I have not attempted to deal with.

² For a more particular description of these documents, see after, p. xlii.

³ T. S., *Lecture I., on Records*; MS.

early fathers met together, prayed together, aided one another, their "faith in law-abidingness" and liberty, and their charity, could be shown to their brethren and sistren of these later days, it would not only bring closer to the present the hearts and hands of the past, with profit to themselves, but also the work would "by examples, give invaluable practical hints to sincere men" and workers now.

This volume is therefore the result of that conviction and desire. It does not seek to give a complete history of Gilds abroad and at home¹; nor does it profess to give lists of all the Gilds known in past times in England (interesting and useful though these might be), it does not even give the whole of the documents found in the bundles at the Record Office; its aim has been to put forth a true view of the early English Gilds, what they were, and what they did, by letting their own Records speak for them. And to help in this, the several other Records contained in Part III. were added, as—besides being instructive in themselves—illustrating the outward relations of the Gilds with other Institutions of the land, and the development in other shapes of the same principles of free action upon the vitality of which the Gild depends².

✓ The early English Gild was an institution of local self-help which, before Poor-laws were invented, took the place, in old times, of the modern friendly or benefit society; but with a higher aim, while it joined all classes together in a care for the needy and for objects of common welfare, it did not neglect the forms and the practice of Religion, Justice, and Morality.

"Gilds" were associations of those living in the same neighbourhood, and remembering that they have, as neighbours, com-

¹ The *Essay on the History and Development of Gilds*, by Dr. Brentano, of Aschaffenburg, Bavaria, who is about to write a large work on the subject, and who has thus embodied some of the early chapters for this book, is here inserted by the desire of Mr. Furnivall. The value of independent historical research and opinion is evident; I must add, however, that this gentleman had no communication whatever with my father, to whom he was quite unknown, and who therefore will not be held responsible for views differing much on some points from his own.

² See after, p. 348.

mon obligations. They were quite other things than modern partnerships, or trading 'Companies;' for their main characteristic was, to set up something higher than personal gain and mere materialism, as the main object of men living in towns; and to make the teaching of love to one's neighbour be not coldly accepted as a hollow dogma of morality, but known and felt as a habit of life¹. They were the out-come, in another form, of the same spirit of independence and mutual help which also made our Old English fathers join together in the "Frith-borh" or Peace-pledge, the institution which lies at the very root and foundation of modern civil society². The difference between the Gild and the Peace-pledge was akin to that which lies between the old words "wed" and "borh"; as "*wed*" is that security which is given by a man personally, for himself as an individual, and "*borh*" the pledge given by a man for others, so a Gild was the association of men together for common objects of private and individual benefit, in which each man gave his "wed" to abide by their internal bye-laws, while a Frith-borh was the banding of men together, within the limits of a boundary, in which each joined in the "borh" or pledge for the keeping of the peace, and performance of public duties, by all the others.

"English Gilds, as a system of wide-spread practical institutions, are older than any Kings of England. They are told of in the books that contain the oldest relics of English Laws. The old laws of King Alfred, of King Ina, of King Athelstan, of King Henry I., reproduce still older laws in which the universal existence of Gilds is treated as a matter of well-known fact, and in which it is taken to be a matter of course that every one belonged to some Gild³. As population increased, Gilds multiplied; and thus, while the beginnings of the older Gilds are lost in the far dimness of time, and remain quite unknown, the beginnings

¹ *Traditions of the Old Crown House*, by Toulmin Smith, p. 28. Birmingham, 1863.

² See, as to the "Frith-borh," after, p. xxi.

³ See, in the same sense, Kemble, *Saxons in England*, i. 239.

of the later ones took place in methods and with accompanying forms that have been recorded¹."

The evidences of this general system of Gilds in the Old English [Anglo-Saxon] times are to be found not only in the laws but in the actual records of a few of the Gilds still remaining to us. This branch of the subject requires more study and more space than can now be given to it, but it may be well to point out some of the principal passages where the characteristics of those Gilds are indicated. These show that the principle of association for mutual help in the affairs of life—commonly but mistakenly supposed to be modern—is found, in name and in fact, in the English laws of nearly 1200 years ago; and that it existed in activity then, and continued a very living spirit in the land, through the changes of age and circumstance, long before the times of which we have the fuller records in the present volume.

Among the laws of Ina (A.D. 688–725) are two touching the liability of the brethren of a Gild in the case of slaying a thief². Alfred (A.D. 871–901) still further recognizes the brotherly Gild spirit in his laws, as to manslaughter by a kinless man, and again, where a man who has no relatives is slain³; in the first instance the man has rendered himself liable for a sum of money, and the Gild helps him to bear the burthen, in the second the Gild has a claim upon part of that which is paid by the slayer. The famous

¹ *Old Crown House*, p. 28. With regard to the opinion entertained by some writers upon Gilds, that their origin was derived from the sacrificial feasts of the ancient Teutonic nations (e.g. Dr. Wilda, *Gildenwesen in Mittelalter*, cap. I, § 1; Lappenberg, *History of England under the Anglo-Saxon Kings* (Thorpe's translation), vol. ii. p. 350; Thorpe, *Diplomatarium Anglicum*, Preface, p. xvi.), my father remarked "that none of our Gilds ever were founded on such a basis." And when a reference to early Roman history was suggested (according to a favourite idea of tracing many English institutions to an origin in the Roman law), he replied, "There is not the shadow of an analogy (misleading as even 'analogies' are) between the old Sabine curies and our English Gilds. We trace ours back to the old Saxon times—and they borrow their name from these, but even from them they differ very widely, and belong to two classes, markedly distinct."—(*Private Letter*, Nov. 4, 1867.)

² Thorpe's *Anglo-Saxon Laws*, Ina, 16, 21.

³ *Ibid.* Alfred, 27, 28.

"Judicia Civitatis Lundoniæ" of Athelstan's time (A.D. 924-940) contains ordinances for the keeping up of social duties in the Gilds, or Gild-ships as they are there called, of London, which seem also to be referred to in the preamble to that body of laws¹. One of these nearly foreshadows one of the most usual ordinances of the Gilds of 450 years later;—"And we have also ordained respecting every man who has given his 'wed' in our Gild-ships, if he should die, that each Gild-brother shall give a fine loaf for his soul, and sing a fifty [of psalms], or get it sung within 30 days." (See after, "messe pens for þe soule," trental, 30 masses sung for the soul, pp. 8, 38, 48, 181, &c.) The "Gild-ship" is also referred to in Edgar's Canons (A.D. 959-975)². The laws of Henry I. repeat those of King Alfred before named, while in another place they refer to the Gild under its social aspect of good fellowship³, enjoining what is afterwards found constantly insisted on—peace and good behaviour at the meetings.

The relics of ancient Gilds by name that are found reaching down to us out of those far-off times are of great interest, and show us that they did not merely exist in the laws, a dead letter. Stow, in his Survey of London⁴, tells how the Cnihten-Gild, or Young Men's Gild⁵, of London, was as old as the time of Edgar, and that charters of confirmation were given to it successively by Edward the Confessor, William II., and Henry I.⁶; indeed, in a charter of the latter touching their property, referencè is made back to what the men of the said Gild possessed in the time of King Edward,

¹ Thorpe's *Anglo-Saxon Laws*, Athelstan V, 2, 3; 8, clauses v, vi.

² *Ibid.*, vol. ii. p. 247.

³ *Ibid.*, Henry I., lxxv. § 10; lxxxi. § 1.

⁴ Strype's ed., bk. ii. p. 3.

⁵ See Madox, *Firma Burgi*, pp. 23, 24; also Herbert's *Livery Companies*, i. 5-7; Merewether's *Municipal Corporations*, i. 307; Rymer's *Fœdera* (1816), i. p. 11.

⁶ Stow says of the charter of Edward the Confessor that it "was fair written in the Saxon letter and tongue," and refers to "the book of the late House of the Holy Trinity." But this Charter, the terms of which would probably be instructive, does not seem to be in Kemble's *Codex Diplomaticus Ævi Saxonici*, nor is it included among some documents as to Gilds printed in Thorpe's *Diplomatarium Anglicum* (1865).

sixty years before. Even older than this, a grant of land made in the time of Ethelbert (A.D. 860) affords us a glimpse of another Young Men's Gild¹. Of a more certain nature, there are still remaining the agreement and bye-laws or ordinances made among themselves by the brethren of a Thegns' Gild at Cambridge, a Gild at Abbotsbury, and a Gild at Exeter². There is also a record of a Gild at Woodbury³. In comparing these (some of which bear a close resemblance) with the ordinances of the comparatively more modern Gilds of the Middle Ages, and noting their likenesses and their unlikenesses, they throw much light upon one another. The agreement of the Gild of Exeter is as follows:—

“This assembly was collected in Exeter, for the love of God, and for our soul's need, both in regard to our health of life here, and to the after days, which we desire for ourselves by God's doom. Now we have agreed that our meeting shall be thrice in the twelve months; once at St. Michael's Mass, the second time at St. Mary's Mass, after midwinter, and the third time on Allhallows Mass-day after Easter. And let each gild-brother have two sesters of malt, and each young man one sester, and a sceat of honey. And let the mass-priest at each of our meetings sing two masses, one for living friends, the other for the departed; and each brother of common condition two psalters of psalms, one for the living and one for the dead. And at the death of a brother each man six masses, or six psalters of psalms; and at a death, each man five pence. And at a houseburning, each man one penny. And if any one neglect the day, for the first time three masses, for the second five, and at the third time let him have no favour, unless his neglect arose from sickness or his lord's need. And if any one neglect his contribution at the proper day, let him pay twofold. And if any one of this brotherhood misgreet another, let him make boot [amends] with thirty pence. Now we pray for the love of God that every man hold this meeting rightly, as we rightly have agreed upon it, God help us thereunto.”

¹ *Cod. Dipl.* No. 293. Kemble (*Saxons in England*, ii. 335) says this was in Canterbury, but there is nothing in the document itself to show it.

² *Cod. Dipl.* No. 942; Thorpe, *Dipl. Angl.* 605, 610, 613; translations are also given in Turner's *History of the Anglo-Saxons*, vol. iii. pp. 98, 99, and Kemble, *Saxons in England*, vol. i. pp. 511-513. The exact date of these does not seem to be known, but the originals are all in Anglo-Saxon.

³ Thorpe, *Dipl. Angl.* 608.

Domesday Book incidentally makes mention of two Gilds in Canterbury, one of the burgesses and one of the clergy¹; also of a Gild-hall in Dover, which implies the previous existence of a Gild in that town².

The word "gild" (with its varieties *gield*, *geld*, *gyld*) is of Saxon origin, and meant, as is stated on p. 122, "a rateable payment³." Dr. Bosworth says "a payment of money, compensation, tribute;" he also gives the verb "gyldan, gildan, geldan," to pay, give, render⁴. Spelman, in his Glossary, gives a long list of the taxes or payments that were required under the old laws, such as dane-geld, ceap-gild, wergild, &c., and quotes Domesday Book for a frequent use of the noun and the verb to signify a regular charge payable on certain holdings⁵. How and when the word became applied to the brotherhoods or societies is not found in so many words; but that the brotherhoods, by their inherent power of making what internal rules they pleased, should be accustomed to gather a regular rate, or "gilde," from each one of their number for their common expenses, till every man was known as a "gegylde," as having paid to this or that Gild, seems a natural and certain explanation. The early use of the word "gild-ship" implies this the more strongly. Meanwhile, "gilde" did not lose its old sense, and we find the two meanings—"geld," a payment (with a secondary use, money), and "gild," a brotherhood—running side by side, down to much later times, the relics of the former of the two still existing in our modern "yield."

Whatever was the particular form and object of the ancient Gilds—and my father seems to have considered that therein some of them differed widely from those of later times—the principles which gave them life were the same, namely, those of mutual self-

¹ *Domesday Book*, fols. 2 a, 3 a.

² *Ibid.*, fol. 1 a. The word has a like form, "Gihalla," to that found in Bristol; see after, pp. 284, 286.

³ The explanation intended by my father I cannot find: I have supplied its place as best I could.

⁴ *Anglo-Saxon Dictionary*.

⁵ See, in accordance with this, Merewether's *Hist. of Municipal Corporations*, i. p. 353.

help and a manly independence which could think of the rights of others. Mr. Kemble seems to point to that difference when he says, of the Saxon brotherhoods, "these gylds, whether in their original nature religious, political, or merely social unions, rested upon another and solemn principle: they were sworn brotherhoods between man and man, established and fortified upon 'að and wed,' oath and pledge; and in them we consequently recognize the germ of those sworn communes, *communæ* or *communiz*, which in the times of the densest seignorial darkness offered a noble resistance to episcopal and baronial tyranny, and formed the nursing cradles of popular liberty¹." Now, my father has elsewhere fully explained the important meaning, in English history, of the "*commune*" or "*communitas*," that it "is the corporate title and description of a place. A city or borough is, in its corporate capacity, a '*communitas*,' so is a county²." Comparing with this the example (p. 201) where the word "*comune*" is the description of a gild as a corporate body, it would appear that when Glanville wrote (temp. Henry II.) of a "*commune*, in other words a gild," he must have intended a town whose corporation had set up a Gild,—probably a Gild-Merchant, as was the practice in a great number of towns at that period. The passage runs thus: "*Item si quis nativus quiete per unum annum et unum diem in aliquâ villâ privilegiatâ manserit, ita quod in eorum communiam, scilicet gyldam, tanquam civis receptus fuerit, eo ipso a villenagio liberabitur*³;"

¹ *Saxons in England*, ii. 310.

² *Men and Names of Old Birmingham* (1864), p. 76, note; also, *Parliamentary Remembrancer*, vol. ii. p. 3.

³ *De Legibus*, lib. v. c. 5. Illustrative of what is here said is the following extract from the "*Customal of Preston*," the second article of which practically embodies Glanville's maxim:—

"1. So that they shall have a Gild-mercatory, with Hanse, and other customs and liberties belonging to such Gild; and so that no one who is not of that Gild shall make any merchandize in the said town, unless with the will of the burgesses.

"2. If any nativus [born bondman] dwell anywhere in the same town, and holds any land, and be in the forenamed Gild and Hanse, and pay lot and scot with the same burgesses for one year and one day, then he shall not be reclaimed by his lord, but shall remain free in the same town."—Dobson and Harland's *History of Preston Guild*, 2nd edition, p. 73.

and this view of Glanville's meaning is further borne out by the use of the terms "*villa privilegiata*," which imply that it was so usual for such a town to have and be joined with a Gild, that he used the words as synonymous.

In further elucidation of this matter and of the growth of free local institutions in England, of which the true Gild or Brotherhood is one type, and the Borough another¹, I here insert an unpublished paper, written by my father in 1864, on the

"Origin of Corporations."

"Corporations, using the word in the sense in which it is applied to towns, &c., in England, had their beginning in the old 'Frith-borh,' or 'Peace-pledge'². The gist of this is, that all the inhabitants of a place ('*communitas*') are bound to each one, and each to all, and the whole to the State, for the maintenance of the public peace. The 'View of Frank-pledge,' which (though only nominal in many places, yet still quite real in others) is now kept up in Courts Leet, is one relic of this 'Frith-borh.' The liability of hundreds, parishes, &c., to certain obligations, is another practical relic of it. Every man, in every '*Communitas*,' used to be obliged to be actually enrolled in the 'Frith-borh' on reaching a certain age, and thenceforth had to be present (or to account for his absence) at every one of the regular meetings of the '*Communitas*.' This practice was kept up till comparatively modern times. The 'Articles of the View of Frank-pledge' were part of the Common Law, but were also enacted in Acts of Parliament, and were added to from time to time, as fresh circumstances arose.

"The bodies thus acting were all true '*Corporations*,' though, as different places increased and grew unequally, different shapes were taken, some larger and some smaller, and some almost dwindled

¹ "Shires we have, and Hundreds, and Cities, and Boroughs, and Parishes, and Corporations of other kinds. All these have their relation to the true Gild."—T. S., in *Old Crown House*, p. 28.

² Among the writers upon this, Lambard gives an interesting account in his *Duties of Constables, Borsholders, &c.* (1610), pp. 6–10.

away to nothing. Representative Councils, &c., are a mere incident and not an essential to Corporations. The whole body is *the Corporation*. The head of these Corporations used to be the 'Provost' (a name formerly universal in England), the 'Constable,' the 'Bailiff,' or the 'Reeve.' Up to the 'Corporations Reform Act' of William IV., the names of the heads of Corporations varied very much. That of 'Mayor' is really modern. It is but twenty-five years since the corporate (representative) body in Birmingham was the Bailiffs and Court Leet.

"The 'Communitas' has, at Common Law, and without any Statute, full power to regulate its own affairs, and to make 'Byelaws' for its own governance, by the assent of its own members. This power is inherent, and necessary to enable it to fulfil its obligations to the State.

"Charters of Incorporation do not and cannot *create* Corporations. They have always depended, and still depend, for even their validity upon the pre-existence of the 'Communitas,' as above stated, and upon the assent and acceptance of the 'Charter' by the 'Communitas.' In this respect the Corporations Reform Act made no difference. This matter became tested in the case of the Manchester Charter which was issued under that Act, and that Charter was held by the Courts of Law to be only sustainable upon proof of assent and acceptance.

"'Charters' therefore do not 'incorporate.' They merely *record*. They may (within the limits allowed by Common or Statute Law) declare the form or shape of certain municipal titles, offices, or functions within the Corporation; but they do not touch the inherent characteristics of it, or its responsibilities, or the essential element of assent and acceptance.

"As cities and built towns have a more compact municipal life and action than other places, the notion of Corporations (in the political sense) is apt to be exclusively attached to them. But this is quite incorrect. Every place where a Court Leet has been held, is or has been really a Corporation. 'Hundreds' are Corporations

(though now almost atrophied in most places); and the 'Hundreds' used, as such, to have corporate seals. Counties also are Corporations. So also are Parishes, and the true 'Wards' of London. Each of all these has an independent life, and the power of self-action, by its own consent, in matters that touch the common well-being; while, on the other hand, each is held bound to the State in certain definite and important *Responsibilities*. And these, conjointly, are the characteristics of a 'Corporation' in the political as distinguished from the commercial use of that title. And these characteristics are the direct offspring, with simply more or less of development, from the old 'Frith-borh' or 'Peace-pledge.' "

The Ordinances and Bye-laws of Municipal Bodies, contained in Part III. of this volume, receive their best explanation by the study of this paper.

Some links that carry us on from the Gilds of the old English times to those of the fourteenth century are to be found in the Great Gild of St. John of Beverley (p. 150¹), the earliest charter of which was given in the time of Henry I., and in the Gild of Stratford-upon-Avon (p. 213), whose beginning was "from time whereunto the memory of man runneth not," as well as in several others whose foundations were so old that the same declaration was made as to them². The beginnings or the early history of some may be traced in the charters of many Corporations, to whom the possession or the setting up of a Gild was often thus confirmed or put on record. Thus in the reign of Henry I. (1100-1135), Leicester possessed a Gild Merchant³; the citizens of York had a Gild Merchant and Hanses, as is declared in their charter from John⁴;

¹ Pages inserted thus between brackets refer to the body of the work. Further references will be found in the Index.

² In several Returns not given in this volume. Miscell. Rolls, Tower Records, Bundle CCCVIII. No. 42; CCCIX. Nos. 71, 81, 86.

³ Thompson's *History of Leicester*, p. 29.

⁴ Brady on *Boroughs*, Appendix, p. 47; also see after, p. 151. A Hanse seems to have been a company or society, formed exclusively for purposes of trading in the country and abroad. See *Spelman's Glossary*, v. Aulse; *Jacob's Law Dictionary*, v. Hanse; also after, p. 357.

and Preston traces her Gild Merchant with a hanse to the years (1175-1185) of Henry II.'s reign¹. The Gild Merchant of Winchester (p. 357) was in existence in the reign of Richard I. (1189). In the reign of John (1199-1216) Great Yarmouth had a Gild Merchant; the burgesses of Dunwich also had a "hanse and a Gild Merchant, as they have been accustomed to have;" the men of Andover had one like that of the burgesses of Winchester, and the burgesses of Helleston had also their Gild Merchant². Under Henry III. (1227) the citizens of Worcester had their Gild Merchant with a hanse (p. 411), and an *insperimus* of the same king's reign (1267) tells us that the burgesses of Wallingford had had a Gild Merchant with all its usages and laws since the time of Edward the Confessor³. These are but a few out of the instances that might be gathered together, showing how wide-spread and lasting was the system of these brotherhoods.

In the year 1388 two Parliaments were held. Of the second of these, held at Cambridge⁴, and which fell in the 12th year of Richard II. (p. 136), it happens that the Roll or official record is now lost, but it is known from other remains that it sat thirty-nine days, and that even in that short time it passed "sixteen good acts⁵," touching among other things the condition of labourers, and regulating beggars and common nuisances. In this Parliament it was ordered that two Writs should be sent to every Sheriff in England, both commanding him to make public proclamation throughout the shire, the first calling upon "the Masters and Wardens of all Gilds and Brotherhoods," to send up to the King's Council in Chancery Returns of all details as to the foundation, statutes, and property of their Gilds (p. 127); the second calling on the "Masters and Wardens and Overlookers of all the Mysteries

¹ Dobson and Harland's *History of Preston Guild*, 2nd edition, p. 72.

² Brady on *Boroughs*, where the originals are given at length. Appendix, pp. 45. 12, 14, 17, 21, 22.

³ *Ibid.*, pp. 16, 17.

⁴ "Cantebrigge;" this is sometimes wrongly translated "Canterbury."

⁵ Prynne's *Parliamentary Writs*, vol. iv. pp. 404, 405.

and Crafts," to send up, in the same way, copies of their charters or letters patent, where they had any (p. 130). These Writs were sent out on the 1st of November, 1388, the Returns were ordered to be sent in before the 2nd of February next ensuing. Those Returns thus made during the winter months, just 480 years ago, and forty years after the "great pestilence," by which some of them mark their dates¹, remain to us now, "life-pictures" of what was passing then (p. 184). Many of them must be lost, as we know that there were Gilds in other places of which there is no Return left (pp. 272, 357). But even thus reduced in number, there are still extant these official Returns of more than five hundred of the brotherhoods which once were scattered all over the land, enough to teach us the characteristics, purposes, and value of these institutions².

These Records themselves deserve a few words before passing on to their contents. The Englishman's independence, and the diversity of character following thereupon, are features stamped upon them. Written by men of the people, and not by legal officials, the handwritings are as various as would be expected to be found among the same number of different writers in every age,—some difficult to read, many clear and good. The language used is not always the same, the greater part are in Latin; but a number are in the old French of the time, and still more preferred their mother

¹ Bundle CCCVIII. No. 120; CCCX. Nos. 36, 236.

² See before, p. xiv. The materials that exist for the further study of the history of Gilds in England are rich and various. Not only among the Public Records, such as the Charter Rolls, the Patent Rolls (which contain much information), the Rolls of Parliament, and others, should the inquirer seek; but the local and municipal archives in numberless places would, there is little doubt, yield much valuable knowledge to an intelligent and careful search. A great deal also may be learned indirectly, while at the same time the original authorities and sources are indicated by which their statements can be tested, from those interesting books, many of them monuments of labour and research, the Topographical Histories. The old Chartularies of Abbeys, (p. 297), and the muniments of colleges (for example Winchester College; see *Archæological Journal*, vol. ix. p. 69), may also give their contributions. But in point of comprehensiveness, instruction, and variety, none of these will exceed the group of Records now, for the most part, first made known.

tongue. The substance of the matters given, and the fulness with which the ordinances are set out, vary in a remarkable degree, in some cases only the barest facts being sent in on a small strip of parchment, while in others the fulness of detail covers several large skins.

It will be perhaps useful here to call attention to some of the principal features, gleaned from these Returns, of the old life of the Gilds who made them, the dates of whose foundations range, for the most part, from early in the thirteenth and throughout the fourteenth centuries. A few, however, date from older times, as in the case of Beverley and others¹.

The fundamental idea of the Gild, as seen above, was, that it was an association for mutual help, made by the people themselves when and as they found the need for it. Long ago my father wrote that "it is an essential characteristic of the system of local self-government, that its constant tendency is, to bring men together continually, with feelings of brotherhood; that it affords every opportunity for the manly asking and manly rendering of sympathy when individual misfortune entitles to it²;" and these words now tell the source whence the old Gild spirit drew its breath. Though one Gild may have set itself one special object, and another a different one, yet, running throughout the whole, there are to be found the same general characteristics of brotherly aid and social charity; and the accompanying arrangements necessary to carry these out were things common to all, and therefore well understood as matters of course. If, therefore, we do not find recorded of every one that it kept a feast, or held a "morn-speech," or had a Gild-house, &c., it must be taken to be because each of these was so usual a part of a Gild existence that it was not necessary to mention the fact.

Gilds may be divided into two broad classes (pp. 127, 130), the Social Gilds and the Gilds of Crafts, which, as has been seen, were recognized by the authority of Parliament, who issued a separate

¹ See before, p. xxiii.

² *Local Self-Government and Centralization* (1851), p. 538.

Writ for the Returns from each. The Social Gilds were founded upon : the wide basis of brotherly aid and moral comeliness, without distinction (unless expressly specified) of calling or class, and comprehended a great variety of objects; the Craft-Gilds, while sharing the same principles, were formed for the benefit of the members as craftsmen, and for the regulation of their craft. The Joiners and Carpenters of Worcester (p. 208), the Fullers and the Ringers of Bristol (pp. 283, 288), and the Tailors, the Cordwainers, and the Bakers of Exeter (pp. 312, 331, 334) are examples of these. There were also Gilds that were neither wholly Social nor of a Craft (p. 179), and to these it seems that Gilds-Merchant belonged, as, though we find them answering to the Writ for Crafts (in the case of Beverley, p. 150), yet their Ordinances, as in the instance of Coventry (pp. 228-232), of Berwick (p. 338), and of Southampton¹, often partook of the character of those of the Social Gild. Sometimes it was begun by the "communitas" of a town, as in the case of the Gild of the Holy Cross of Birmingham (pp. 239, 241), but generally the first founding of a Gild was by some "body of the folks" themselves, who might sometimes be traders, sometimes not. For instance, there are the "Shephirdes Gild" of Holbech, the "Young Scholars" of Lynn (p. 51), the "Shipmanes Gild" of the same place (p. 54), the "Peltiers" and others of Norwich (p. 28), the "Poor Men" of Norwich (p. 40), the "Tailors" of Lincoln (p. 182), the "Gild of the Palmers" of Ludlow² (p. 193). And it follows from this principle of free association that, as no wrong was done to any one and no public responsibilities of individuals interfered with (but rather the contrary), it is found that the "King's license was *not* necessary (as is wrongly alleged)³" to the foundation of a Gild.

¹ See the early part of the 'Ancient Ordinances of the Gild-Merchant of the Town of Southampton,' printed by Mr. Smirke in the *Archæological Journal*, vol. xvi. pp. 283, 343. For a copy of this very interesting paper I am indebted to the courtesy of Mr. Albert Way.

² I find from one note of my father's that there was a Gild at Burgh, Lincolnshire, founded by some Pilgrims in fulfilment of a vow made by them while tempest-tossed at sea. Bundle CCCX, 245.

³ MS. note by T. S.

Dugdale observes that "they were in use long before any formal licenses were granted unto them¹." This may be proved by the examples of Stratford-on-Avon (pp. 211, 218), and St. George of Norwich (pp. 17, 443), each of which was in existence for many years before special circumstances rendered the obtaining of official confirmation necessary. The terms of the Writs for the Returns show that this was well understood². It seems probable that the mistake has arisen through two things: first, the custom of inserting their Gild into the Charter when the men of any town got their rights confirmed, as was seen among the Gilds-Merchant; and second, the need that there was for Gilds, like other corporate bodies, when they wished to acquire lands or tenements, to take out a License in Mortmain under the Statute of Mortmain. Several instances of these licenses taken out by Gilds occur in the following pages³.

My father was anxious to correct another very general misapprehension, as to how far the religious element entered as an essential part into the foundation and functions of Gilds⁴. "These were not," he has said, "in any sense superstitious foundations; that is, they were not founded, like Monasteries and Priories, for men devoted to what were deemed religious exercises. Priests might belong to them, and often did so, in their private capacities. But the Gilds were lay bodies, and existed for lay purposes, and the better to enable those who belonged to them rightly and understandingly to fulfil their neighbourly duties as free men in a free State. . . . It is quite true that, as the Lord Mayor, and Lincoln's Inn, and many other as well known personages and public bodies, have to this day a chaplain, so these old Gilds often took measures and made pay-

¹ Warwickshire (ed. 1730) i. 188.

² See notes to pp. 128, 130; also p. 251.

³ Pages 195, 226, 232, 243, 244, &c. A clear and simple explanation of what a *license in mortmain* and a *writ ad quod damnum* mean was given in 'Men and Names of Old Birmingham,' pp. 20-26.

⁴ See for example Madox, *Firma Burgi*, 23-26; Herbert's *Livery Companies*, i. p. 1.

ments, to enable the rites of religion to be brought more certainly within the reach of all who belonged to them. This was one of the most natural and becoming of the consequences following from their existence and character. It did not make them into superstitious bodies¹." Though it was in this way very general to provide more or less for religious purposes, these are to be regarded as incidental only ; and this is curiously exemplified by the case of three Gilds in Cambridge, one of which excludes priests altogether (Gild of the Annunciation, p. 271), another, if they come into the Gild, does not allow them any part in its management (pp. 264, 265), while the third has a chaplain, but if their funds get too low both to maintain a chaplain and the poor brethren, the chaplain is to be stopped (p. 271). These cases are however exceptional ; and the evidences of a simple piety and of a faith that entered into the every-day life are some of the most pleasing traits of the old Gild-Ordinances. It was not every Gild who could afford to support a chaplain, though some did so² ; but there were few who did not make some provision for services in their church, and for decent burial and burial-services for their members,—their care in this last respect going so far as to fetch the body from a distance if it so befell,—and appoint how the details, various of course in different cases, of the customary religious rites for the dead should be carried out. The usual course was for many, or all, of the brethren to attend these services (at Norwich more prayer was expected of the "lettered" brethren than of the unlettered, at the dirge, p. 20) ; that wax lights should be provided at the cost of the Gild, and that each brother and sister should make an offering for alms and another for masses for the soul of the departed. Sometimes the lights burning round the body of the dead were many in number, in one instance very elaborate funeral rites, with a hearse, are enjoined (pp. 169, 176, 215), in others, night-watches were kept under curious conditions (pp. 194, 217). On these occasions, too, the poor were often fed or clothed "for the soul's sake of the dead" (pp. 31, 173, 180, &c.).

¹ 'Old Crown House,' p. 31.

² See pp. 74, 144, 146, 165, 183, &c.

It was usual for all the brethren and sistren to go to church on the day of their general meetings, to hear mass and to make offerings. Many of the Gilds, too, made a point of maintaining wax lights in the churches before the altar of the Saint whose name they had taken¹.

It is worth noticing who were the persons who composed the Gilds. Scarcely five out of the five hundred were not formed equally of men and of women, which, in these times of the discovery of the neglect of ages heaped upon woman, is a noteworthy fact. Even where the affairs were managed by a company of priests, women were admitted as lay members²; and they had many of the same duties and claims upon the Gild as the men. The sort of people who joined together may be somewhat judged of by the names given before³; and Chaucer incidentally helps us to understand them by his description of the brethren who joined the Pilgrimage to Canterbury, and who, being all clothed in one livery, must have belonged to the same Gild:—

“An Haberdasher and a Carpenter,
A Webbe, a Deyer, and a Tapiser,
Were all y-clothed in o livere
Of a solempne and grete fraternite.
Ful freshe and new hir gere ypicked was,
Hir knives were ychaped not with bras,
But all with silver wrought ful clene and wel,
Hir girdeles and hir pouches every del.
Wel semed eche of hem a fayre burgeis,
To sitten in a gild halle, on the deis.
Everich, for the wisdom that he can,
Was shapelich for to ben an alderman.
For catel hadden they ynough and rent
And eke hir wives wolde it well assent⁴.”

¹ As to Saints' Names, see the notes on pp. 201, 221.

² Gild of Corpus Christi, York, p. 141. Women joined in the foundation of Gilds, and wives as well as single women belonged to them. See pp. 155, 159, 160, 455.

³ Page xxvii.

⁴ Prologue to *Canterbury Tales*. Chaucer was Clerk of the Works in 1389 and died in 1400. As to a Gild sending pilgrims to Canterbury, see after p. xxxvi.

That they were popular, and that a well managed Gild frequently grew in numbers and importance, so that persons of all ranks, even the highest in the kingdom, were glad to join it, is found in several instances, and is indirectly proved by the founders of the Gild of St. Michael-on-the-Hill, Lincoln, who were "of the rank of common and middling folks," not wishing to admit any of the rank of Mayor or Bayliff (p. 178). Of the two lists of names in this volume (pp. 112, 453), while both show the number of sisters, the last is especially interesting because it points out the rank or calling of so many of the members, and that all classes were alike admitted. The number of members enrolled by St. George's Gild of Norwich was very great, as the numerous books and records still existing in that city bear witness, but they can hardly have exceeded the number of 14,850 attained by Corpus Christi, York (p. 142). The Gild of the Trinity, Coventry, admitted many famous men, even, according to Dugdale, enrolling Kings Henry IV. and Henry VI. among its members¹, while in later times the Gild of St. Barbara of St. Katharine's Church, near the Tower of London, could point out Henry VIII. and Cardinal Wolsey as brethren².

Each member on admittance took an oath of obedience, and was received lovingly by the brethren, with a kiss of peace (pp. 6, 9, 189). Two examples of the oath are here given, one belonging to a purely social Gild of Stamford (pp. 189, 191 *note*), the other to the Craft-Gild of the Tailors of Exeter (p. 318). The oath taken by the brethren of the Gild of St. George at Norwich resembles that of Stamford; it is given by Blomefield in his History of Norfolk³. A Gild did not invariably require an oath, as in that of Corpus Christi, York (p. 141); this was, however, an unusual case.

The payments that were made were numerous, and we find them, among the different Gilds, of an infinite variety. Thus there was the payment on admittance, sometimes a fixed amount, sometimes "as the masters and he may accord" (p. 7), and in

¹ Warwickshire, i. 192.

² Strype's *Stow*, book ii. p. 6.

³ Vol. ii. p. 734.

different forms ; sometimes in money, as in the Gild of St. Benedict, Lincoln, six shillings and eightpence (p. 174), and in St. George's Gild, Norwich, six shillings and eightpence for a man, three shillings and fourpence for a woman (p. 450) ; sometimes in kind, as in the case of Stretham, Ely, where every incomer was to pay two pounds of wax and one bushel of barley¹. Besides this entrance fee, there were the house fees, or "rights of the house," which were payments to the officers, such as "to the Alderman 1*d.*, to the Dean 1*d.*, and to the wax $\frac{1}{2}$ *d.*" (pp. 54, 108, &c.) ; there were payments "to the light," for the feast, on the death of a brother or sister, on occasions when help was needed for a poor brother or one in distress, and others, all which were part of the usual regulations. As various, too, were the arrangements of times of payment, in one Gild so much a year would be agreed upon (p. 4), in another so much a quarter (pp. 7, 10), as the contribution from each to the common fund, and in that of Corpus Christi, Hull, five farthings was to be paid weekly by every member (p. 160). Nor were the people careless, though unsparing, of their monies ; we find frequent mention of "the common box" (p. 10), "common pyx²," or chest (p. 139), and the stewards, aldermen, or other officers, were required annually to render true accounts of the "catel" and funds of the Gild. In some Gilds it was an understood thing, if not an ordinance, that a brother or sister dying should leave it a legacy, for example, the Peltiers of Norwich had no lands, but were partly supported by legacies (pp. 29, 165, 170, 317, 319).

Every Gild had its appointed day or days of meeting, once a year (pp. 19, 23), twice (pp. 113, 117), three times (p. 58), or four times (pp. 65, 91), as the case might be, when all the brethren and sistren, summoned by the Dean or other officer³, met together to transact their common affairs. At these meetings, called morn-speeches (in the various forms of the word), or "dayes of spekyngges tokedere for here comune profyte" (p. 67), much business was done,

¹ Bundle CCCIX. No. 49.

² Bundle CCCVIII. Nos. 58, 126.

³ The "common bellman" went through the city in Norwich and Spalding. See after, p. 31 ; and Bundle CCCIX. No. 197.

such as the choice of officers, admittance of new brethren, making up accounts, reading over the ordinances, &c., one day, where several were held in the year, being fixed as the "general day"¹.

The word morning-speech (*morgen-spæc*) is as old as Anglo-Saxon times, "morgen" signified both "morning" and "morrow"², and the origin of the term would seem to be that the meeting was held either in the morning of the same day or on the morning (the morrow) of the day after that on which the Gild held its feast and accompanying ceremonies, and that it afterwards became applied to other similar meetings of the Gild-brethren. The practice in several places, though all were not alike, bears out this explanation (p. 7; compare pp. 10 and 11; 30, 40, 80, 97, 176, &c.) One day at least in the year, usually the day of the saint to which the Gild, if it had a saint's name, was dedicated, was more specially devoted than the others to festivities; by some it was called the "Gild-day" or "general" day (pp. 21, 30, 217, &c.), it was then that the brethren and sistren being all assembled, at whatever hour was fixed (prime or otherwise)³, worshipped together, gave their alms, and feasted together, for "the nourishing of brotherly love." On this day it was that the brethren and sistren, clad in their hoods or their livery, assembled at the church, bearing the lights which formed a universal part of the religious rites, there to make the prayers enjoined by their rules (pp. 23, 111, 114), and to consecrate by the acts of faith that brotherly love and peace which they were sworn to cherish; they made their offerings and went their way, perhaps to a morn-speech for settling some business, or if this were not the custom, they met in good fellowship at the Gild-house⁴, round the social board. At some of these

¹ See, for example, the cases of the Gild of St. Thomas of Canterbury, Lynn, pp. 80, 81, and of the Gild Merchant of Coventry, p. 229. See also p. 128, note.

² See Mr. Way's note (3) to p. 344 of his edition of the *Promptorium*.

³ See pp. 18, 31, 60, 79. The brethren and sistren of the Gild of Holy Trinity, Lynn, were to meet at the place of feasting before going to church, "at what hour shall be declared to them by the sound of the trumpet." Bundle CCCX. No. 38.

⁴ Occasionally the feast was held at the houses of the brethren by turns, "in uno certo loco ad aliquem domum fratrum vel sororum." Caistor. Bundle CCCX. No. 193.

feasts prayers were again offered up (p. 76, 217), and the peaceable and good behaviour of all was constantly and strictly enjoined. Some Gilds would allow a guest to be brought (pp. 185 *note*, 219). In one case the brethren improved the time by having their ordinances read over to them while at dinner (p. 176).

The Gild brethren were fond on their feast-days of rejoicing in various processions, in which numerous lights, music, and sometimes flowers and garlands of leaves were used (pp. 30, 38, 117, &c.), and symbolic shows had a part (pp. 30, 149, 232). The Gild of the Lord's Prayer at York was expressly set up for the purpose of providing that "a play setting forth the goodness of the Lord's Prayer" should be kept up and played periodically in the streets of York¹. The day of the procession or "riding" of the famous show of St. George's Gild in Norwich (pp. 444 *note*, 446) must have been a grand one for the sight-seers of the city; while the streets of Leicester², York (pp. 142, 143), Coventry, Preston, Worcester (p. 407), and many more, must have witnessed a goodly sight when the shows belonging to individual Gilds, or when the pageants of Gilds and crafts combined, were displayed in gorgeous array along them. In the present day, when the race of life is to the swift, and there is scarcely time left for anything else, these popular pageants are despised, and a barren imagination can see in the last relic of them, the Lord Mayor's Show, nothing but "a bore." But it was not so in former times, and the real value of the large share that the old Gilds had in making England "Merry" is well pointed out in the following lines:—"Each Gild's first steps were bent towards their church, where solemn high mass was chanted; thence went all the brotherhood to their hall for the festive dinner. The processions on the occasion and other amusements so dear to Englishmen, when their country was merry England, were meant

¹ See p. 137. It will be seen that the founders did not confine themselves to this object only, and their ordinances present "an excellent example of the general purposes of Gilds." MS. note, T. S.

² Thompson's *History of Leicester*, pp. 149-151.

to be edifying and instructive; and helped religion to make her children both good and happy, through even their recreations. This present age, with its stepmother's chill heart, dull eye, and hard iron-like feelings, that sees naught but idleness in a few hour's harmless pause from toil, and knows nothing but unthriftiness in money spent in pious ceremonial, and thinks that the God who sprinkled the blue heaven with silvery stars, and strewed the green earth with sweet-breathing flowers of a thousand hues, and taught the birds to make every grove ring with their blithe songs, and told the little brook to run forth with a gladsome ripple, all in worship of Himself, can be best and most honoured by the highest and noblest of His wonderful works,—the soul of man,—the more gloomy, the more mopish, the sourer it is; such an age will not understand the good which, in a moral and social point of view, was bestowed upon this country by the religious pageants, and pious plays and interludes of a by-gone epoch. Through such means, however, not only were the working-classes furnished with a needful relaxation, but their very merry-making instructed while they diverted them¹."

The form that the property of a Gild took depended on as different circumstances as the amounts were various. Some were endowed with land at their foundation, or had gifts of land or tenements made to them, as the Gilds of Coventry, Holy Cross of Birmingham (pp. 231, 240), and of St. John the Baptist, Deritend². Of many it seems to have merely consisted of the contributions in money or in kind, expended and accounted for by responsible officers; others acquired considerable property in church ornaments, furniture for the Gild-house, goods used in the plays and shows, &c., as may be seen from many curious inventories still existing (pp. 233, 320, 327). Some Gilds invested in cows or oxen, and let them out at so much a year. We are told that the

¹ Canon Rock's *Church of our Fathers*, vol. ii. p. 418. The same volume also contains much curious and valuable information as to old English Gilds, pp. 395-453.

² *Old Crown House*, p. 34.

Wardens of the Gild of our Lady, Byom (Derbyshire), "*ont achatez boefs et les ont seueralment lowez as diuerse persones pur ijs. par an.*;" and they make return of their property, besides land, in 20 beeves¹.

The practical mutual charity of the Gild-spirit is truly seen in the way in which they disposed of their monies. Care for the fitting burial of dead brethren and sistren, at the cost of the Gild, was constantly taken; help to the poor, the sick, the infirm, and aged, to those who had suffered by losses or robbery, and to those overtaken by misfortune, if this were not through their own folly or misconduct, is not less prominent a feature in the Ordinances. The weekly payments to the poor are frequently specified, as well as gifts of clothing or food². Sometimes, too, they were to be visited, at other times entertained, at the houses of their richer brethren. In some cases, loans of money from the Gild-stock were made upon surety being given (pp. 8, 11); in others free loans or gifts were made to enable the young of either sex to get work or to trade (pp. 9, 156, 229); while in Ludlow, "any good girl of the Gild" had an unconditional dowry given her, if her father were too poor to provide it (pp. 194, 340). Brethren cast into prison were to be visited and helped to get free (pp. 50, 169, 193). Those who were going on a pilgrimage, whether to the Holy Land, St. James of Compostella, or to Rome, were helped and honoured (pp. 157, 172, 177); one Gild even yearly sending a pilgrim to Canterbury³. The Gild-Merchant of Coventry kept a "lodging house with thirteen beds, to lodge poor folks coming through the land on pilgrimage or any other work of charity," with a governor of the house and a woman to wash the pilgrims' feet (p. 231).

Of the good works done by the Gilds other than among their own personal members, many instances may be found. It was

¹ Bundle CCCVIII. No. 56. A Gild in the parish of Bakewell, Derbyshire, possessed twelve beeves (*ib.* No. 64); and another in Cambridgeshire had also twelve cows, in all cases to be let out. CCCIX. No. 71. See also after, p. 192.

² See especially pp. 148, 169, 231.

³ Bundle CCCX. No. 49.

not unfrequent for a number of poor to be fed on the feast-day at the Gild-hall; thus in two of the Lincoln gilds it was ordered that as many poor as there were brothers and sisters were to be fed with bread, ale, and fish; and in the Gild of Gertonburdyeh, Norfolk, provision was made for the distribution of a certain amount of corn and barley yearly¹. A Gild in York found beds and attendance for poor strangers (p. 143); the Gild of the Holy Cross in Birmingham had almshouses for poor people of the town (p. 249 *note*); and help to the poor of the town was one of the "workis of charity" for which the Gild in the same place called "Lenche's Trust" was founded (p. 256). Turning from the poor to works of public usefulness, we find that these same two Gilds charged themselves with the repairs of certain highways (pp. 249, 256); the Gild of Hatfield Brodoke, Essex, also contributed to the repair of roads²; while the Gild of St. Nicholas, Worcester, repaired the walls and bridge of that city (p. 205). Many Gilds made important contributions to the repair of churches, of which that of Pampesworth, Cambridgeshire, is a curious example: some bushels of barley were given "to put out to increase, for the use and repair of the church in the said town, which is in poor condition and partly decayed; and as of necessity in a short time the top [*tort*] of this, called the 'Roof,' must be made anew, and it cannot be done without the aid of the Gild, they pray for God that their goods be not disturbed." The Gild of Swafham Bulbek (Cambridgeshire) undertook the "repair of the church, and renovation of vestments, books, and other ornaments in the said church³." The Gild of St. Andrew, Cavenham (Suffolk), would bear the charge of repair and sustentation of the church, when necessary, "ex consensu fratrum et sororum." Many others might be named. And among the good works which the elastic constitution of the Gilds rendered it natural and fitting for them to take up, was the main-

¹ Bundle CCCVIII. No. 75; CCCX. Nos. 157, 134.

² Bundle CCCVIII. No. 59.

³ Bundle CCCIX. Nos. 68, 79; CCCVIII. 31.

tenance of a free school and schoolmaster, as was done by the Gild of St. Nicholas in Worcester (pp. 203–205), the Gild of Palmers in Ludlow (p. 198), and the famous Gild of Kalenders in Bristol (p. 288).

The government of the Gild, its Officers, and its Ordinances or Bye-laws, were based on the same principles as those of the other free institutions of England. The Gild had usually its head officer or Alderman (Graceman); its Stewards (Wardens), into whose hands the property or funds were entrusted for administration; its Dean or Beadle; and its Clerk (pp. 46, 176). These were all chosen annually, frequently by a secondary election (pp. 71, 97, 266), and had to render an annual account; every one who refused to serve had to pay a fine; the Dean and the Clerk were paid yearly salaries, and all the officers had special allowances on feast days (pp. 66, 88). Other officers were chosen when the need for them arose (pp. 156, 160, 217). At Lancaster a committee of twelve was appointed to manage the affairs of the Gild, together with collectors (p. 164). The custom of making their own Ordinances—like the “Usages” of a Corporation, the “Customary” of a Manor (for example, Tettenhall and Bushey, pp. 432, 441), or the “Bye-laws” of a Parish¹—is but another illustration of the old common law of England, by which, while abiding by the law of the land, men shaped for themselves the rules that should guide them in their own community (see p. 348). The Ordinances were frequently read over, so that none might plead ignorance (pp. 159, 162, 178, 315); and if alteration was made it was done with the assent of all the brethren and sistren (pp. 8, 11). This assent was also necessary to business transactions (pp. 246, 271). The Gilds had in their corporate capacity a common seal, of which two examples are figured².

The Livery Companies of London are often spoken of, as though the “livery” were something peculiar to them. This is, however, only the relic of a past custom by which every Gild, as is seen in

¹ See Toulmin Smith's *The Parish*, pp. 47–51.

² Pp. 207, 250. See also pp. 146, 168, 327.

these Returns, had its livery of one suit, whether hoods or gowns or both, for sistren and for brethren, ordinances being often made as to the length of time and the occasions when they were expected to be worn (pp. 43, 56, 446, &c.). The giving of these liveries by Gilds and other bodies was attempted to be stopped by Parliament about a year after the Returns were made, but apparently with little effect¹. That the livery became an outward sign of the social importance of the Gilds and brotherhoods was recognized in Parliament a few years later, when the use of certain liveries of cloth were forbidden,—“Gilds and fraternities, and crafts in the cities and boroughs within the kingdom, which are founded and ordained to good intent and purpose, alone being excepted².”

Two very striking characteristics, the second one universally expressed among all the bye-laws of all the Gilds, must not pass unnoticed. The first is the respect for law and its established forms; the second, the constant sense of moral worth, and the endeavour to attain it. “No ordinances shall be made against the common law” (pp. 23, 30, 39); “rebels against the laws shall be put out of the Gild” (pp. 50, 52); “the liberties of the town shall be upheld” (pp. 167, 337): such was the sort of language used by those who governed themselves. And when we consider the fact of this multitude of independent bodies of plain men and women, scattered all over the land, each bound by ordinances for the attainment of better demeanour and morality among themselves, who shall say what England does not owe at the present day to their efforts, and what might not be still further done by reviving their example now? Every one who wished to be admitted into a Gild was required to be of good reputation and bearing; if a brother became a brawler or a thief, or committed other offences, he was punished

¹ Rolls of Parliament, 13 Rich. II., Petition 29.

² Rolls of Parliament, 13 Hen. IV., Petition 38. See also *ib.*, 7 and 8 Edw. IV., Petition 41; and the Act 8 Edw. IV. c. 2. Much curious information on the subject of official liveries is to be found in *Observations on Four Illuminations*, of the time of Henry VI., by the late Mr. G. R. Corner (1865), pp. 8-16. See after, pp. 422, 423.

or turned out of the Gild. Among the Ordinances of the Gild of St. Anne, in the church of St. Lawrence, Jewry, London, were the following :—" If any of the company be of wicked fame of his body, and take other wives than his own, or if he be single man, and be hold a common lechour or contekour, or rebel of his tongue, he shall be warned of the Warden three times ; and if he will not himself amend, he shall pay to the Wardens all his arrearages that he oweth to the company, and he shall be put off for evermore. And if any man be of good state, and use hym to ly long in bed ; and at rising of his bed ne will not work, but [*?ne*] wyn his sustenance and keep his house, and go to the tavern, to the wyne, to the ale, to wrastling, to schetyng, and in this manner falleth poor, and left his cattel in his default for succour ; and trust to be holpen by the fraternity : that man shal never have good, ne help of companie, neither in his lyfe, ne at his dethe ; but he shal be put off for evermore of the companie¹." One brother was not allowed to belie or wrong another ; if he did he was fined by the Gild (pp. 55, 81, 95). Unruly speech or behaviour at the morn-speeches or towards the Alderman was forbidden, and peaceable, civil conduct at the feasts was strictly enjoined. In the way of arbitration, it was made a part of the duty of either the brethren and sistren themselves, or of their officers, that if any dispute should arise between one brother and another, they should do all they could to "bring them at one," to settle the quarrel ; and not until this was tried might the disputants go to law. Fines were imposed upon any of the brethren who should take action against another without first submitting the quarrel to this "Council of conciliation ;" and the officers of the Gild were also bound under penalties to use their best skill to make the peace (pp. 21, 96, 183, 450, 451)².

The foregoing sketch, though it does not pretend to dwell on all

¹ Quoted in *Styve's Stow*, bk. iii. p. 48.

² See the pages under "Arbitration" in the Index. Compare also the method of settling disputes in *Bristol and Bromfield*, pp. 426, 442.

points, and necessarily leaves untouched many details of interest, such as those relating to dress, food, prices, &c., may serve to indicate the picture of our old Gilds that lies among the Returns of 1389. One thing comes out clearly; that though a Gild might be founded to carry out some special object, as often was the case,—as for the support of a church, the maintenance of an altar, or a play, the ringing of bells (pp. 288, 294), the keeping up of Records (p. 287), or of minstrelsy (p. 294), or for the encouragement of crafts and trade,—the same general features and the same ideas were common to all, but that these became modified or added to, according to the special need of the Gild.

A part of the subject, of an historical value, which cannot be further gone into here, and one for the study of which this volume furnishes much material, is the relation and connection of Gilds with the Corporate bodies of towns¹. The authorities and opinions on this point are numerous and conflicting; my father intended that the glance at the part taken² by Gilds in the cities whose Records are given in Part III., the contrast even between their bye-laws and those of the municipal bodies, together with the fuller accounts of others, such as the Gild of Holy Cross, Birmingham, the Gilds of Exeter, of Berwick, and of Coventry, should be made to elucidate this matter. To this also London, with her numerous Social Gilds and Craft-Gilds, would have brought her testimony and swelled the illustration³. But this,

¹ Several notes bearing on this subject are on pp. 126, 239, 250, &c. See also, as showing the connection between the Gild and the town, the Ordinances of Southampton before referred to (p. xxvii. note).

² See pp. 357, 411, 430.

³ Among the Returns, there are several from London Social Gilds, three important examples of which are now printed. Stow, in his *Survey of London*, gives the Ordinances of some others of later date, as well as of some of those of which the Returns remain (Bk. ii. p. 75; Bk. iii. pp. 34, 48, 62, 118, 148). Of three of the ancient Craft-Gilds of London, the Esterlings, the Sadlers, and the Weavers, curious particulars may be found in Herbert's *Livery Companies*, vol. i. pp. 10-17; Madox, *Firma Burgi*, p. 26; and the *Liber Custumarum* of London (edition pub. by Master of the Rolls), Part i. p. 416. The work by Herbert, which treats of the Craft-Gilds of London and their later exclusive development, is well known.

with the farther tracing of the history of English Gilds, and particularly the story of their destruction, and the "confiscation" of their property under the Act of Edward VI.¹ (1 Edw. VI. c. 14), by which many were so entirely ruined and swept away, that even their very names and existence have been forgotten², must be left for a future day.

All that may be now done is to point out to the inquirer that under the Act for dissolution of Colleges (37 Hen. VIII. c. 4) the possessions of certain fraternities, brotherhoods, and gilds, that had been dissolved with the colleges and chantries, were vested in the Crown; and that the King was empowered to send out Commissioners to seize the possessions of others, under the plea that they should be "used and exercised to more godly and virtuous purposes," the Commissioners being directed to return Certificates "in writing of their doings in the same" into the Court of Chancery (§ 6)³. The Act of 1 Edw. VI. c. 14 went further than this: after completing the demolition of colleges, free chapels, and chantries, it proceeded not only separately by name to vest in the King all sums of money devoted "by any manner of corporations, gilds, fraternities, companies or fellowships, or mysteries or crafts," to the support of a priest, obits, or lights, [which might be taken under colour of religion,] but to hand over to the Crown "all fraternities, brotherhoods, and gilds, being within the realm of England and Wales and other the King's dominions, and all manors, lands, tenements, and other hereditaments belonging to them or any

¹ See pp. 196, 203, 249-251, 259. My father's indignation was roused by his researches into the story of their fate. In a MS. Note he remarks that, for the "abolition of Monasteries [there was] some colour, and after professed inquiries as to manners: moreover allowances [were] made to all ranks. But in case of Gilds (*much wider*) no pretence of inquiry, or of mischief. And no allowance whatever. A case of pure, wholesale robbery and plunder, done by an unscrupulous faction to satisfy their personal greed, under cover of law. No more gross case of wanton plunder to be found in History of all Europe. No page so black in English History."

² See pp. 200-203.

³ It was under these two sections that the "Certificates of Colleges," sometimes employed in this volume (see Index), were put on record. See § 12, on next page.

of them, *other* than such corporations, gilds, fraternities, companies, and fellowships of mysteries or crafts, and the manors, lands, tene-ments, and other hereditaments pertaining to the said corporations, gilds, fraternities, companies, and fellowships of mysteries or crafts, above mentioned" (§§ 6, 7). Power was given to send out Commissioners to survey all "lay corporations, gilds, fraternities, companies, and fellowships of mysteries or crafts incorporate," and to assign and appoint, in specified ways, the disposition of their lands and property. These Commissioners also were bound "to make Certificate under their seals, or the seals of two of them, at the least, into the Court of Augmentations and Revenues of the King's Crown, or into any other Court as is aforesaid, within one year next after the Commission to them directed, of all manors, lands, tene-ments, rents, tythes, portions," &c. so assigned by them (§ 12)¹. And all the lands, &c. seized under this Act were to be "in the order, survey, and governance of the King's Court of the Augmentations and Revenues of his Crown" (§ 19). My father says of these two acts in another place,—“The Act of 37 Hen. VIII. c. 4, passed in 1545, put this wanton and wicked pillage of public property as necessary ‘for the maintenance of these present wars ;’ but it also cleverly put into one group ‘colleges, free-chappelles, chauntries, hospitalles, fraternities, brotherhedds, [and] guyldes.’ The Act of 1 Edw. VI. c. 14, was still more ingenious ; for it held up the dogma of purgatory to abhorrence, and began to hint at Grammar Schools. The object of both Acts was the same. All the possessions of all Gilds, except what could creep out as being trading Gilds (which saved the London Gilds), became vested, by these two Acts, in the Crown ; and the unprincipled courtiers who had devised and helped the scheme, gorged themselves out of this wholesale plunder of what was, in every sense, public property².”

The original MSS., from which the documents in Part I. and many of those in Part II. of this volume are printed, are in the

¹ See previous note.

² *Old Crown House*, p. 36. See further, *ib.*, pp. 37-39.

Public Record Office, where they are known as "Miscellaneous Rolls, Tower Records¹;" they consist of three bundles, containing in all 549 skins or membranes. Of these membranes, the greater part are vellum and parchment. My father, however, made the interesting discovery that some of them are Paper of a very peculiar kind, hitherto unknown². The documents have a great variety of shapes and sizes, from the strip three or four inches wide and twelve or fourteen inches long, and the nearly square piece eight or nine inches wide, to the lengthy writing, which fills a large sheet, or two, three, or four skins tacked together, edge to edge. A few are written and stitched up in the form of small books (pp. 40, 44, 262).

¹ They are described as "Certificates of Gilds" in the *Third Report of the Deputy Keeper of Public Records* (1842).

² To the description of this Paper given by my father, on pp. 44, 132, I add the following extracts from a letter published by him in the *Birmingham Daily Post* of March 2, 1865. "The introduction of specimens of linen paper into England, is known to have happened in 1342, possibly earlier. Some letters from abroad during that early time are written on linen paper; and there is a Register-book which belonged to the Black Prince, which is of linen paper. [See "le papir," mentioned on p. 5.] But the few instances thus known, are considered to have been the importation from abroad of a special rarity, which only came, and that not often, into the hands of the wealthy. The manufacture of paper in England has been supposed to go no farther back than Elizabeth's time; but earlier entries have proved that there was at least one paper-mill in England as early as Henry VII. Neither the official use nor the manufacture of paper, so early as 1388, has hitherto been suspected. I have now proved the former to be a certain fact, and the latter becomes a probable one... [After describing the Writs to the Sheriffs (pp. 127, 130), and the instructions therein]—I find several of these instructions still existing, written upon paper; and I find that, in several cases, where the answer of the Sheriff was on a separate sheet, the latter is also paper, though of a different quality, sometimes, from that on which the instructions received by him were written. None of the ways in which the existence of paper can be accounted for, as before said, in previously known instances of the use of linen paper, can explain the use of paper in this case. It becomes proved that linen paper was used in public offices in London, and also used by some of the country gentlemen, who then were Sheriffs of distant shires, at the end of the fourteenth century. It is difficult to believe that it can have been thus used unless it were made in England... Paper of later times loses its sizing after some century or two, and becomes soft and rotten. But this paper, after nearly 500 years of very bad treatment, which has caused the decay of many parts, even of the vellum documents among which it is found, remains as firm, tough, and sound, as the best specimens of vellum that remain uninjured among it. No such paper is now made."

These Records were said, in 1842, to "require repair," and indeed, such has been their unheeded and forgotten condition, that, when my father first had them out, many of them had to be flattened, stamped, and prepared for his use. Dirty, eaten away by rats and decay, many of them partially illegible (though many still remained in good condition), these Records presented the appearance of having, till quite recently, lain unheeded and unread for centuries past; and, except in one instance¹, my father was not aware that any have ever before been printed, though, to one or two authors their existence may have been known. In *Memoirs illustrative of the History and Antiquities of Norfolk*, published in 1854, allusion is made to the "Returns made into Chancery, in the twelfth year of Richard II.'s reign, of the original objects, endowments, and extent of Gilds generally" (p. 142). But when Herbert wrote his *History of the Livery Companies of London*, (1837), the existence of these Records was quite unknown, for, after citing the Writ to the Sheriffs of London, given on p. 127, from a copy which must have been preserved among the City Records, he says,—“the Tower Records [of which these Returns form a part], as well as those of the City, have been diligently searched for the Returns made in consequence of this proclamation, *but none are to be found*, except those which relate to the Ecclesiastical Gilds².” In Strype's edition of Stow (1720), though reference is made to the inquiry as to Gilds in the time of Richard II., and an instance is narrated in which (apparently) the Wardens of a Gild came before the Chancery personally, to deliver their Return³, this knowledge was probably gained, like Herbert's, from Records remaining in the City, no reference being made to those of the Tower.

¹ In a paper communicated to the Norfolk and Norwich Archaeological Society by Messrs. J. L'Estrange and Walter Rye (who obligingly called my father's attention to it), eight of the Returns from Norwich Gilds were printed, of which all but two very short ones are included in this volume. Mr. Rye was good enough to send me a copy of this paper, but I believe the Returns in this volume were all copied in type before my father heard of it.

² Vol. i. p. 36.

³ Bk. iii. pp. 48, 145.

The language and the writing of these Records have been noticed before (p. xxv. ; of the writing, a remarkable specimen is described in a note to p. 175).

Of the Returns thus existing in the Public Record Office, this volume contains the whole of those that are written in English, to the number of forty-nine. Translations and abstracts are given of some of those that are in Latin and French, and references are made to many more. The number of documents is, however, so great that my father found it impossible to use even all the extracts he had intended for this work, and many of interest remain unnoticed. The Public Record Office has also afforded other contributions to the history of the Gilds (p. 126), among which are the "Certificates of Colleges" (pp. 197, 247, &c.), and other records.

Other sources whence original MSS. have been derived, as the Libraries of Oxford and Cambridge, the British Museum, Municipal Archives, and private stores, are each acknowledged, and pointed out in the places where they occur, together with descriptions of the originals, in the notes appended to each¹. Wherever my father could, he collated the print himself with the utmost care, in each case twice comparing it with the original. All those in Part I. and many of those in Part II., thus passed under his eye. To those gentlemen who collated others for him, his obligations are recorded.

In conclusion, there remains the pleasant duty of acknowledging,

¹ The Roll of Winchester "Usages" demands a few words here. The note upon it was written, and the whole had gone through the press, without either my father or myself being aware that, several years ago, Mr. Smirke had printed in the *Archæological Journal* (vol. ix. p. 69) a document, in old French, found by the Rev. Mr. Gunner among the muniments of Winchester College, which is in fact another version of these "Usages." The age of this French MS. does not seem to be known with certainty, but it seems to be of nearly the same date as the English one. Both must have been taken from the same original, one perhaps a little later than the other, as there are several variations between them ; and the comparison of the two is of much interest, each helping to clear up the obscure passages of the other.

I may say that I shall feel much obliged by any communications from those, in towns and other places, who have access to original MSS., especially in English, which will help to give further information on the character and purposes of the Gilds in England.

for my father, the friendly suggestions and valuable loans that were made to him, both by many to whom he was an entire stranger as well as by personal friends, for which he had the liveliest feeling. For myself, I must be permitted to express my grateful sense of the kindness and courtesy which I have met with from my father's correspondents and friends (particularly those whose MSS. and books were left in the care of one unknown to them), and other gentlemen, well known for their literary and antiquarian learning, with whom I have had communication. Without their assistance, freely given, what has been to me, though a labour of love, yet a somewhat difficult task, could not have been accomplished, and to all of them I beg to offer my best thanks. Conscious of the imperfections and omissions that must necessarily occur in my part of the work, I yet may join in my father's often expressed desire, that it should be "useful to the people," and to that hope I dedicate the book, with the knowledge that some at least will believe, "She hath done what she could."

LUCY TOULMIN SMITH.

HIGHGATE, LONDON,

December, 1869.

ADDITIONS AND CORRECTIONS

FOR No. 40, "ENGLISH GILDS."

The *Révue Critique* in its review of *English Gilds* (1 Dec. 1871, p. 229) notices that the 13th-century French version of the 14th-century english "Usages of the City of Winchester" contained in p. 349—363 of our Gild volume, enables several of the Englisher's mistakes to be corrected. For instance :—

'Dans le texte de M. T. S. on lit ". . . everych gret *hows* in wham me worketh the qwylytes, shal to the ferme *v.*, by the yere, *they* [though] he ne worche but o-lupy cloth." Le passage français correspondant est ainsi conçu ". . . chescun grant *ustil* dunt l'en ovre les bureaux, doit a la ferme de la vile cinc soz par an, *mes ke* il ne uvere fors un seul drap." Comme on voit, le texte français permet de corriger deux contre-sens de l'anglais. Dans le premier membre de phrase, il s'agit d'un *outil* est non d'une *maison*, et dans le second, le véritable sens est à *moins que*, et non *quoique*. Le traducteur anglais aura confondu *ustil* avec *ostel*, et peut-être lu ou compris *même que* là où il y avait *mes que*, d'où il résulte que le texte qu'il traduisait était français.'

Another very difficult passage in the Customary of Winchester, is compared with the French version, by the reviewer, M. Gustave Faigniez, and interpreted differently from Mr Toulmin Smith's sidenotes :—

'Dans ce passage . . nous croyons qu'il s'agit, non d'une foire, mais de la réunion solennelle de la gilde des marchands, d'abord pour faire un repas de corps, à l'occasion duquel on lève un droit, ensuite pour délibérer sur les intérêts communs' :—

"Derechef, kant l'en purvoit bevere gilde markande, l'en doit per commun assent par les mesters de la vile enquere genz ke covenable soient e de bone fame a requiiller en gilde markande. E kechescun de ceus eiten chatel 4 liv. vaillant ou plus. E ceus ke si serrunt aquilliz serunt hlotéz [sic, hébergés, logés?] à quatre meisuns cume soleient estre a tuz tens. E kant l'en avera beu gilde markande, les quatre mesuns soi assemblerunt à voier ce ke il averunt levé et ce ke purrunt lever. E si trespas i ad fet, per commun assent soit amendé. E si nule mesun vaille plus de autre, soit chargé à as value. E ke li argent ke sera levé des 4 mesuns avantdites soit baillé assis prodes homes avantdis esleuz e jurez par commun assent a leaument garder e leaument dispendre et leal acunte rendre as prudeshomes de la vile dous feiz per an per taille ou per escrit."—*Arch. Journ.*, vol. ix, p. 73.

"Also, whanne me porveyde gylde chaffare, me shal, by commune a-sent, by the maystres of the towne, aspyze folke that be covenable and of good loos, and gadere that ryzte of chep-men. And that everych of hem habbe fowre hynen stalworthe, other mo, and thelke that beth y-herborwed in foure houses, as hij ouzte to be in alle tymes. And whanne me hath wel trewe y-chaffared in the fowre howses, hij shulle hem assembly for to y-se that hij habbe tharred, and of than that hij mowe a-rere. And zif that eny thing ys mysound, by commune assent that hit be a-mended. And zif eny hows is more worth than an other, be hit y-charched to hys worthy. And that selver that shal be a-rered of thilke hows by-fore y-seyd, be y-take to sexe godemen by-fore y-seyd y-chose and y-swore, for the commune assent, and treweleche wetye, and treweleche spende, and treweleche acountes zelde to godemen of the town twyze by the zere, by skore other by scryt."—*Eng. Gilds*, p. 357.

To those who have the opportunity, a comparison between the whole of these two versions is worth making, as was pointed out in *English Gilds*, *Introd.* xlv.

Mr Henry Charles COOTE, F.S.A., of Doctors' Commons, has lately written a Preface, in the "Transactions of the London and Middlesex Archæological Society," to the "Ordinances of some Secular Guilds of London from 1354 to 1496; Ordinances of St. Margaret, Lothbury, 1456, and Orders by Richard Bishop of London for Ecclesiastical Officers, 1597," extracted by Mr John Robert DANIEL-TYSEN from the records of the Court of the Commissary of London. In this Preface Mr Coote contests Dr Brentano's view, and also Mr Toulmin Smith's, of the origin of Gilds, and shows, to his own satisfaction, that the English Gild was a direct descendant of the Roman Collegium. As it is only right that our Members should have a summary of Mr Coote's argument before them at once, his own words on pages 28-30 of his Preface are extracted here :—

"Though a glance over the preceding pages will have shewn the identity of the English guild (through the Anglo-Saxon institution) with the Roman college, it may perhaps assist the reader if I place their resemblances in stricter juxtaposition. In doing so I will refer, where I can, more particularly to the guild as found in the Anglo-Saxon period of our history.

(1.) The *collegium* was an association of men, combined for a common lawful purpose, and cemented together by admission into a *sodalitium* and an oath of fellowship.

The Anglo-Saxon guild was identical in these respects.

(2.) The *collegium* had a complete self-government of master and officers.

Though we have no full information upon this in the Anglo-Saxon guild, the old English guild is constituted in a manner similar to the *collegium*.

(3.) When the *collegium* was large it was divided into *decuriæ* and *centuriæ*.

We have seen this identical division in the Anglo-Saxon guild of London.

(4.) The *collegium* and the guild had a special cult. In the old English form this is uniform and prominent, and it shews itself in the Anglo-Saxon guild of Cambridge in the reference to S. Ætheldryth.

(5.) There are fixed general annual meetings of the *collegium* for business.

We have seen the same in the Anglo-Saxon guild.

(6.) The *collegium* and the guild have also severally their *réunions*, at which to feast and disport themselves.

(7.) The *collegium* and the guild subsist through the contributions of their members. Their business and their pleasures depend upon these exactions.

(8.) The *collegium* and the guild correct their disobedient members by mulcts and fines.

(9.) They both have a common chest, and they both may and do hold landed estate.

(10.) The *sodales* of the *collegium* are brethren as well as contributories.

Nothing is better defined than the same feature in the guild also.

(11.) The *sodales* supported their poor and comforted their sick brethren.

We have seen this in the guild.

(12.) The *collegium* and the guild could make bye-laws for their respective regulation.

(13.) When a *sodalis* died the surviving brethren followed him to the grave or to its Roman equivalent.

The same kindly spirit is enforced in the Anglo-Saxon as well as in the old English guild.

(14.) The *collegium* was a corporation.

The guild was unequivocally the same. In the dearth of words of precision which followed upon the disuse of the Latin language in this country the word was assumed and continued to late days to express a *commune*—the same thing. We have found also in one of the Anglo-Saxon guilds mention made of the brotherhood suing in the aggregate.

(15.) Lastly, as the pagan sodalities met on the day of violets and the day of the rose to commemorate the death of brethren in the manner which has been mentioned, so the Christian guild at all times of its history in this country met similarly on stated days for an analogous commemoration of those who had preceded them with the sign of faith, to use the words of the old office of *memento*.

I think that these resemblances are so striking and so nearly connected with the essence of each that the common similarity can mean nothing less than the identity of the two institutions—the *collegium* and the guild."

Dr Brentano says, on the other hand, that he looks-on the question as quite settled against Mr Coote's view by the many able German writers who have investigated this special subject with the greatest care, and with the records of old Roman towns like Cologne,¹ &c. &c., before them. Some of these writers have stated that they started with the belief of a connection between the *Collegium* and the Gild, but, on further investigation, they found the evidence against it too strong for them. Even in Italy the Gilds began a new life of their own, as Hegel—a son of the great philosopher—has shown in his *Italiänische Städtegeschichte*. Dr Brentano does not think it worth while to re-open the question, but refers inquirers to the following books, the latest of many, on the subject:—*Gierke*, Geschichte der deutschen Genossenschaft. *Arnold*, Verfassungsgeschichte der deutschen Freistädte. *Arnold*, Das Aufkommen des deutschen Handwerkerstands im Mittelalter. *Arnold*, Geschichte des Eigenthums in den deutschen Städten. *Maurer*, Deutsche Städteverfassung. 4 vols. *Hegel*, Italiänische Städtegeschichte.

¹ All the old Constitutions of the old German towns are printed. They would fill a large room.

ON THE

HISTORY AND DEVELOPMENT OF GILDS,

AND THE

ORIGIN OF TRADE-UNIONS.

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BY

LUJO BRENTANO,

OF ASCHAFFENBURG, BAVARIA,

Doctor Juris utriusque et Philosophiæ.

d

[750 Separate Copies of this Essay have been printed.]

TO
JOHN MALCOLM LUDLOW, Esq.,
OF LINCOLN'S INN, BARRISTER-AT-LAW,
ONE OF THE
TRUEST FRIENDS TO WORKING-MEN IN ENGLAND,
THIS ESSAY
IS DEDICATED BY ITS WRITER.

PREFACE.

IN order to study the English labour-question, I joined, in the summer of 1868, my master, Dr. Engel, Director of the Royal Statistical Bureau at Berlin, on his journey to the English manufacturing districts. But after a few weeks' inquiry, I was convinced that a thorough knowledge of the position of the English working-classes would require a sojourn of months in their country. I therefore resolved to remain longer in England. Working-men's Associations of every kind, and the History of Labour in England, became the chief objects of my study. At last, in May 1869, I left England, with my portfolio full of the materials I had collected. But I had scarcely returned home, when I was asked by Mr. Furnivall to write a General Introduction to Mr. Toulmin Smith's work on English Gilds, which he had left unfinished at his death. As I unfortunately had not had the honour of knowing Mr. Smith personally, and therefore knew nothing of his ideas as to Gilds, I at first hesitated to accede to Mr. Furnivall's request. My scruples increased when I considered that I was to undertake a work which ought to have been done by a man of great learning and repute. And, indeed, now that my work is finished, I am so fully alive to its many deficiencies, that I greatly fear my undertaking this work will be thought by many, too daring. But I hope the fairness of the reader will not let him measure my essay by his conception of what such an outline as the present ought to be. I can only say that for many years past I have been deeply interested in this subject, that what I offer here to the reader is the result of much hard work and of many laborious personal researches in Libraries and Record-Offices, and that I have put forth my results in the best way I could, seeing the short time allowed me to write this essay in.

The reason why I finally resolved to comply with Mr. Furnivall's request, notwithstanding my hesitation, was, that I owe great thanks to my English friends who had drawn his attention to me. I had learnt so much from them during my stay in England, that when an occasion presented itself to repay them in some way by a work which might be of use to them, I felt obliged to disregard any personal considerations. On acceding to Mr. Furnivall's desire, I observed however, that I must write my essay quite independently, without consideration as to what Mr. Toulmin Smith would have said in his Introduction. He would probably have dwelt more fully on English Gilds only, and would have brought forward more direct information as to them than I should be able to do. I, on the contrary, was requested by Mr. Furnivall to treat on Continental Gilds as well as English. And I complied with his request with the more pleasure, as I believed that illustrations from the Continent might often help students to understand the development of English Gilds, where clear and direct accounts of them are wanting. Often, indeed, the Gilds on the Continent differed in development and circumstances from those in England, as I have repeatedly pointed out in this essay. But I strongly believe that the continual intercourse between the towns of the several trading countries of the Middle Ages, kept up especially by the Hanse Towns, may not have been without influence in producing a general similarity of development of burgensic life in them all.

What I offer to the reader in the following pages is by no means a history of Gilds, complete and exhaustive. My desire has been simply to give a clear idea as to what the various kinds of Gilds were, and to sketch in free outlines how each kind of Gilds originated, grew powerful, and degenerated; on which the Gilds of another class of citizens took their place. I have always taken special care to point out the analogies between the old Gilds and those existing in our days among working-men, the Trade-Unions; and I shall indeed consider it the greatest reward for all my labour spent on this work, if it contributes to set the Trade-Unions in a truer light.

Throughout the whole essay I have most conscientiously re-

ferred to the sources of my statements, and to the various authors to whom I am indebted. I am very sorry that, when writing the essay, I was not acquainted with the works of Mr. Toulmin Smith quoted by Miss Smith in her excellent Introduction.

Before concluding, I wish to express my sincere thanks to all those who have helped me in my work, especially to Mr. Furnivall. He has with great zeal and kindness revised the translation of my essay and the proofs; and has besides added, from early English literature, a few notes in illustration of my text. He also procured from Professor Stubbs the communication as to bondmen in towns, in the Additional Note 3; and has drawn my attention to a few points which wanted further explanation for the English reader. I have made some additional notes on these points, which follow the Preface, namely, as to the origin of Gilds, as to my appellation *Religious Gilds*, and as to the companies of bond-handicraftsmen. I wish to thank, besides, especially Mr. J. W. van Rees Hoets, M.A., of Trinity Hall, Cambridge, and the other friends of Mr. Furnivall and myself who have helped in the translation of parts of this essay. It was hard work that they performed, and they did it well.

L. BRENTANO.

ASCHAFFENBURG, Jan. 21st, 1870.

NOTES.

1. *Note to p. lxxiv, as to the Origin of Gilds.*

MR. FURNIVALL asks me to make much more emphatic my statement as to England's being the birthplace of Gilds. He thinks besides, that my derivation of the Gilds from the family, contradicts the supposition of the origin of Gilds in England. He writes accordingly to me:—"I certainly suppose your Part I. to mean that the Gilds were developed well in early times—indeed, on the Continent—and brought over here with the Anglo-Saxon settlers. You do not say so in exact words; but your terms as to family-life, and neighbours meeting at sacrificial feasts, imply an earlier stage of civilization, more of a growth in Saxon wilds, than the (more or less) organized bodies of immigrants here were in, or had."

Now, I wish to declare here most emphatically that I consider England the birthplace of Gilds. But, at the same time, I wish to deny quite as emphatically, that what I have said on p. lxix as to the family, implies a stage of civilization before the immigration of the Anglo-Saxons¹. I refer here once more, as I did in the note on p. lxix, for my statements as to the importance of the family among the German tribes, to the work of the greatest living master in German history, to the *Deutsche Verfassungsgeschichte* by Waitz. The reader will find there, that even after the German tribes had settled in fixed abodes, the family was of importance even within the community, which was founded then on the mere local relation of neighbourhood; and that this importance still continued when the division into hundreds not only existed, but was even prevalent. When the community based on local relations, and no more on kinship, came into existence, all the *political* interests fell at once into its sphere. But all that regards the *relations of private law*—the legal protection of life, limbs, and property—was still for a long time provided for by the family. The Frith-Gilds, however, were only to take the place of the family as to these relations of private law, and not as to its long extinct political importance. The Frith-Gilds, therefore, did not come into existence contemporaneously with the origin of the community based on local relations, and with the formation of the State, but only later, when the family began to lose its importance in matters of private law also. But the family had undoubtedly still this latter importance when the Anglo-Saxons came to England; this

¹ "But þe Saxons acorðed for no þynge
 þat þe Anglys schuld be þer kyng;
 þey hadde wel leuere, þe Saxons seyd,
 þat þe lond were in partis leyð,
 þan þe Anglys of þe out ildes
 Schulde be cheif of alle þer gylðes."

1338 A.D. Robert Manning of Brunne's *Stori of Englande*, ii. 511, l. 14741-6. ed. F. J. F. 1870. (He is speaking of the settling of the Angles in East-Anglia.)

is proved by the very laws of Ina and Alfred which I speak of on p. lxxiv. According to them, the paternal and maternal relatives of an offender are responsible in the first degree for his crime.

2. Note to pp. lxxxvi, lxxxvii, on the name "*Religious Gilds*."

As I see from a note added by Mr. Furnivall on p. lxxxvii, I was wrong in my supposition (see p. lxxxvi) as to the reason which induced Mr. Toulmin Smith to change the hitherto usual name "*Religious*" into "*Social*" Gilds. But Mr. Furnivall is equally mistaken as to my reasons for maintaining the old appellation. As he thought, however, that these reasons were to be sought for in connexion with the fact of my being a Roman-Catholic, and as he has even asked me to state this fact to my readers, in order to caution them against my prejudices, I wish only, while doing this, to add a few words more on the real reasons for my calling these Gilds "*Religious*."

Now, to call the said Gilds "*Religious*" because of their ornament of a saint's name would seem to me quite as "*monstrous*" as to Mr. T. Smith or to Mr. Furnivall. If this had been my reason, I should certainly call by the same name all or most of the other Gilds in the Middle Ages, besides those in question, as well as the Trade-Union of the Knights of St. Crispin in Massachusetts, referred to the other day by the *Spectator*. This would simply be to ridicule the word "*religion*." I took this word in a much larger sense—in the sense it had when the old Gilds existed. I fully agree with Mr. T. Smith, that the objects of the said Gilds were social ones. But the exercise of these very social duties, to which the Gild brethren were bound by the Gild statutes—mutual assistance, the aid of the poor, of the helpless, the sick, of strangers, pilgrims, and prisoners, the burial of the dead, and even the keeping of schools and schoolmasters—was considered, in the time when these Gilds existed, as an "*exercise of religion*," *obsequium religionis*, as Hincmar calls it (see pp. lxxxii, lxxxiii). These deeds were considered but the practice of the religious maxim, "*Love thy neighbour as thyself*;" and most of them were taught to the people of the Middle Ages in a classification invented by the scholastics¹, as the *opera corporalia misericordiae*. Now, it can be easily understood that the people who considered the objects of these Gilds as "*religious*," gave the same name to the Gilds themselves which pursued these objects. In maintaining this name, I simply followed the example set by the Protestants as well as Roman-Catholics of all countries who have hitherto written on the subject. My reason was partially that I thought a historical treatise ought to give its subject its historical name; but especially, as I pointed out on p. lxxxvi, that I feared that to call these Gilds "*Social*" Gilds, might mislead men to the opinion that the other kinds of Gilds were based on other than the same social principles on which these Gilds rest. How the bad morals of the Roman clergy in the fourteenth century in England can prevent any one from calling the Gilds

¹ They founded it on Matt. xxv. See *S. Thomæ Summa Theol.* ii. 2. qu. 32. art. 2.

existing among the laity from the days of Hincmar to the Reformation "Religious," I am at a loss to understand. If the clergy were so little religious, I would rather refuse the name of "Religious" to the Social Gilds existing among them, to the Gilds of the Kalenders. Yet Mr. Furnivall thinks that these last-named Gilds must be called so. But I am told also by another friend, that the sense of the word "Religious" is to-day different in English from the sense in which I used it, and that it would mislead the reader as to the character of the said Gilds. I therefore fully agree to the addition made by Mr. Furnivall to the title of my Part II., for certainly the *main objects* of these Gilds we should to-day call "Social."

3. Note to p. cxiv, on Bondmen in Towns and their Companies.

Mr. Furnivall thought that the existence of bondmen in towns and of the companies into which they had been ranged by their masters, was a fact yet so little known to the English public, that a more detailed note on them would not be out of place. I therefore give a short statement as to the inhabitants of Worms, according to Arnold¹.

At Worms there existed at the beginning of the eleventh century the Community of the Manor of the Bishop (*die hofrechtliche Gemeinde des Bischofs*) on the one hand, and on the other the Community of the Old Freemen. To the former (the so-called *familia S. Petri*) belonged the *ministeriales*, *fiscalini*, and *dagewardi* (villeins). The villeins were obliged to render common services to the bishop, either as *coloni* (villeins on the country manor), or as *operarii* (handicraftsmen). Their bondage was exceedingly mild. The amount of their wergild is not stated; but there is no doubt that it was paid entirely to the Church. The marriage between the *dagewardi* and the *fiscalini* was a morganatic one; the children of it became *dagewardi*. The larger part of the later handicraftsmen sprang from this class of villeins. They were ranged, according to the kind of their services, into unions (*societates*), which had an episcopal *ministerialis* as president (*minister*). These unions, later on, developed themselves into Craft-Gilds. The villeins who did not work as handicraftsmen, served as *coloni* on the estates, where they were under the superintendence and jurisdiction of a *minister loci*, like the handicraftsmen under that of their president. Next to the villeins came the *fiscalini*, so called because originally servants to the *fiscus*, and belonging to the royal palace. They rendered no common services, but services at court and in war. They too were ranged into *societates*. But their unions soon became extinct. First in the *familia* were the *ministeriales*. In opposition to these were the old freemen, who always preserved their privileges of rank before the bond-handicraftsmen, and who, later on, developed into patricians.

¹ Arnold's *Verfassungsgeschichte der deutschen Freistädte*, vol. i. pp. 66-69. Compare also the more popular treatise of Barthold, *Geschichte der deutschen Städte und des deutschen Bürgerthums*, vol. i. pp. 77, 78, 148, 149, 280, and others.

As there may be but few Englishmen who know that in England also villeins existed in towns, I insert here a note of one of the best Middle-Age men in England, the Rev. Professor William Stubbs, of Oxford, who kindly sent to Mr. Furnivall this note in answer to his question on the point :—" In all towns *not chartered* there would be a class of *villani* exactly the same as in the country manors. The force of the bondage would of course vary, generally, very much from anything of the kind on the Continent. But as originally all towns were in demesne of some lord, bishop, or king, all the inhabitants would be less than free : and even where some had obtained the dignity of *burgage*=socage tenure, still, until the town was freed by a charter, there would be a large residuum of *villani*, whatever the hardship of English villenage may have been."

4. Note to p. lxxxiv, note 1.

Mr. Ludlow answers this note as follows :—" I beg leave to say, that I am perfectly in earnest in saying that tramp-money in all probability is the modern representative of the relief to pilgrim-artificers ; not that all pilgrim-artificers were workmen on the tramp, because I believe, with you, that these were a rare phenomenon in the fourteenth century—though I believe some were—but because I believe that this kind of pilgrimage tended necessarily to supersede the other, and therefore would naturally inherit its advantages. Your reference to the 12th R. II. c. 3 is correct ; but if you want a counter authority, see the 25th Edward III. St. i. c. 7, which shows that 'artificers' also were expected to 'flee' from one county to the other in consequence of the law itself. Now a pilgrimage to a shrine would evidently be the safest colour for such a migration ; under all circumstances it would afford the best safeguard against local exactions and maltreatment. See also as to the abuse of pilgrimage the 12th R. II. c. 7."

This explanation is very ingenious. Yet it does not convince me. The artificers whom the 25th Edw. III. expects to flee from one *county* to another, seem to me not to have been town-artificers. They were, in my opinion, artificers working on the country manors of lords. Each country manor had in the Middle Ages its own artificers, who supplied the common wants of their lords, whilst the latter resorted only for their more refined wants to the craftsmen of the towns. This explanation of the Act in question seems to me the more probable when we consider that all Statutes of Labourers in the Middle Ages were framed especially with regard to the powers and wants of the landed proprietors, the feudal lords. In towns, labour was generally regulated by town-ordinances. Besides, we must remember that the exercise of a craft in towns depended on having served an apprenticeship in such towns, and on citizenship (see p. cxxix). A fleeing craftsman would not therefore have been admitted into towns to carry on his craft. Such fleeing to towns therefore would have been useless.

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¹ Mr. Hensleigh Wedgwood's derivation of the word is as follows:—"GUILD. Danish *gilde*, feast, banquet, guild or corporation; Platt-Deutsch *gilde*, a company, corporation, society of burghers meeting on stated occasions for the purpose of feasting and merrymaking. The primary meaning is a feast, then the company assembled; and the same transference of signification will be observed in the word *company* itself, which, signifying in the first instance 'a number of persons eating together,' has come to be applied to an association for any purpose, and, in the case of the City Companies, to the very associations which were formerly denominated Guilds.

"It is a mistake to connect the word with the German *geld*, payment. The real derivation is to be found in Welsh *gryl*, Breton *goel*, *gouil*, a feast or holiday, *gouellia*, to keep holiday; Gaelic (with the usual change from the Welsh *gw* to *f* initial), *feill*, a feast, holiday, fair or market; Manx *fealley*, festival, sacred, hallowed. The Irish *feil*, or *feighil*, is explained the vigil of a feast, sometimes the feast itself, leading to the supposition that the word is a mere corruption of the Latin *vigilia*. But the Welsh and Breton forms could hardly have been derived from that origin, and we find a satisfactory explanation in a native root, Welsh *gryllo*, to watch, be vigilant, to look for; *gwyled*, to behold, to see; *gwyld*, keeping a festival, the notion of keeping or observing being commonly expressed by the figure of looking. Breton *gwel*, look, sight, action of seeing. In a similar manner, from *wake*, to be vigilant, to watch, we have the *wakes*, the festival of the patron saint; Welsh *gwyll-mabsant*, German *Kirchweihe* (*weihen*, to consecrate), where the ideas of waking or keeping, and consecration or holiness, are connected together in the same way as in Manx *fealley*.

"The Dutch form *gilde*, a feast (populare convivium), also a guild or corporation, closely resembles the Gothic *dulths*, Bavarian *duld*, a feast: *Osterduld*, Easter. In modern times *duld* is applied to a fair or market, commonly kept on the saint's day of the place. *Dulden*, like Breton *goellia*, to solemnize. *Tuldan*, celebrare; *tulith*, solennis.—Kero in Schmeller." *English Etymology*, i. 191-2.—(F. J. F.)

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I. THE ORIGIN OF GILDS.

THE oldest reliable and detailed accounts which we have of Gilds come from England; they consist of three Gild-statutes¹. According to the latest investigation² into the origin of Gilds, the drawing-up of all these statutes took place in the beginning of the eleventh century. In the case of one of these Gilds, there is no doubt whatever as to the accuracy of this date. This Gild was founded and richly endowed by Orey, a friend of Canute the Great, at Abbotsbury, in honour of God and St. Peter. Its object, according to the statutes, appears to have been the support and nursing of infirm Gild-brothers, the burial of the dead, and the performance of religious services, and the saying of prayers, for their souls. The association met, every year, on the feast of St. Peter, for united worship in honour of their patron saint. Besides this, there was a common meal; and in order that the poor might also have their share in the joys of the festival, they received alms on the day of the feast; for which purpose the Gild-brothers were obliged to furnish, on the eve of the day, contributions of bread "well boulded and thoroughly laked." Guests were only admitted to the common meal by permission of the Master and Steward. Insults offered in a malignant spirit by one brother to another, were punished on the part of the Gild, and had also to be atoned for to the insulted. He who had undertaken an office, but had not properly discharged its duties, was severely punished.

The Exeter Gild, whose statutes have likewise been preserved, was of altogether the same character³. Here, however, association

¹ See these in Kemble's *The Saxons in England*, vol. i., Appendix D; and compare with them the translation in Eden's *State of the Poor*, vol. i. p. 591, &c.

² Hartwig, *Untersuchungen über die ersten Anfänge des Gildwesens*, in the *Forschungen zur deutschen Geschichte*, edited by Waitz, Göttingen, 1860, vol. i. p. 136.

³ See also the Introduction to Mr. Smith's *Gilds* by Miss L. T. Smith, p. xviii.

for the purpose of worship and prayer stands out more prominently as the object of the brotherhood than in the former case. Three times a year the Gild-brothers assembled to worship together for the well-being of their living and dead fellow-members. Here, also, every such service was followed by a meal in common. When any brother died, every member was obliged to perform special devotions for the departed soul. The mutual care of the Gild-brothers was, moreover, shown by money-contributions in case of death, and in the support of those who went on a journey, as well as of those who had suffered loss by fire. Punishments were decreed for insults offered by the Gild-brothers to each other, as well as for not fulfilling the duties imposed on them by the Gild.

The statutes of the Gild at Cambridge show that its main object was altogether different from that of the two already mentioned. At the very outset, in the oath which every member had to take on the relics of the patron Saint of the Gild, they ✓ swore faithful brotherhood towards each other, not only in religious, but also in secular matters; and though the statutes secured for the Gild-brothers the same support in case of sickness and death as those of Exeter and Abbotsbury—and, like those, contained regulations with reference to alms, divine worship and feasts—yet all these objects were but insignificant in comparison with the measures for the protection of the members of the ✓ Gild against criminals, and even against the evil consequences of ✓ their own wrongdoing. The following may be considered a first principle: "If one misdo, let all bear it; let all share the same lot;" and for carrying this out, a complete organization existed. If one of the Gild-brothers required the help of his fellow-members, the inferior officer of the Gild living nearest to him had to hasten to his aid; should the officer neglect this, he became liable to punishment, and in like manner the head of the society, should he be remiss in affording help. If a Gild-brother was robbed, the whole Gild had to assist him in obtaining ✓ compensation from the lawbreaker. So also every Gild-brother was obliged to help, if a member himself had to make atonement for killing a man. If, however, he had no justifiable motive for committing the act, if he had not been provoked to it in a quarrel, if he was not under an obligation to execute vengeance, but had slain the man merely from malice, he himself had to bear the consequences of the deed. If one Gild-brother killed another, he had first to reconcile himself with the kinsmen of the murdered man, and had moreover to pay eight ✓ pounds to all those belonging to his larger family, namely, the Gild; failing which, he was shut out of the society, and the

members of the Gild were forbidden to hold friendly intercourse of any kind with him. In like manner, an insult offered by one Gild-brother to another was severely punished. The solidarity of the society was even shown in the case of violence and damage to property, which one member might have suffered from the servant of another; the master of the servant was answerable for him, and was sued by the society for compensation. It was, moreover, a leading principle of the society, to which every member had to bind himself by oath, always to support him who had right on his side.

The essence of the manifold regulations of the statutes of these three Gilds appears to be the brotherly banding together into close unions between man and man, sometimes even established on and fortified by oath, for the purpose of mutual help and support. (This essential characteristic is found in all the Gilds of every age, from those first known to us in detail, to their descendants of the present day, the Trade-Unions. According to the variety of wants and interests at various times, the aims, arrangements, and rules of these unions also varied. As a rule, the Gild-brothers periodically assembled together for common feasts.)

The inquiry as to where these features of the Gilds are first met with in earlier times will, perhaps, also yield an answer to the inquiry into the origin of Gilds themselves. The Northern historians, in answer to the question, whence the Gilds sprang, refer above all to the feasts of the German tribes from Scandinavia, which were first called Gilds. Among the German tribes, every occurrence among the more nearly related members of the family required the active participation in it of them all. At births, marriages, and deaths, all the members of the family assembled. Banquets were prepared in celebration of the event, and these had sometimes even a legal signification, as in the case of funeral banquets, namely, that of entering on an inheritance; and, when they concerned kings, that of a coronation. Wilda narrates in detail the circumstances of a banquet of this kind, at which the son and heir, in the midst of his own and his father's companions, toasted his father's memory, and vowed to imitate his worthy deeds; the companions took similar vows upon themselves. Further, great social banquets took place on occasion of the sacrificial assemblies at the great anniversary festivals, which coincided with the national assemblies and legal assizes, and on occasion of important political events; and at the same time the common concerns of the community were deliberated on at these banquets. Moreover, they also furnished an opportunity for the conclusion of those alliances for purposes of plunder or war, of which we have accounts, especially in the case of Sweden

and Norway, as well as of those close unions of friends, in which, according to the Scandinavian Sagas, two warriors of antiquity were wont to confederate for life or death, for common enterprises and dangers, and for indiscriminate revenge when one of them should perish by a violent death¹. Every freeman was obliged to attend these feasts, and bring with him whatever food and drink he might require. Hence these feasts were also called Gilds; for "Gild" meant originally the sacrificial meal made up of the common contributions; then a sacrificial banquet in general; and lastly, a society. When in later times Christianity spread itself in the North, the sacrificial banquets, with all their customs and ceremonies, remained in existence, and Christ, the Virgin Mary, and other saints, stepped into the place of Odin and the rest of the gods².

Neither Wilda, the principal writer on Gilds, nor Hartwig, who has made the latest researches into their origin, is able to discover anything of the essential nature of Gilds, either in what has just been related about the old family and its banquets, or in the sacrificial assemblies; and it is only as to the one point of the custom of holding banquets on the occasion of anniversary festivals, that Wilda is inclined to derive the Gilds from them. But of the essence of the Gild, "the brotherly banding together in close union, which expressed itself in manifold ways in the mutual rendering of help and support," he finds no trace. "The banquets," he urges as his principal objection, "were either casual meetings to which every one, as he thought proper, invited his friends, or which several people prepared in common, and which did not produce any more intimate relationship than that already existing from the actual bond of the family, or state, or neighbourhood; or they were meetings in which every one of the nation was able, or was obliged, to take part. There appears in them nothing of any closer voluntary confederacy of the members within, or by the side of, the union caused by the State or religion³." Hartwig considers these objections of Wilda's conclusive, and believes that from the continued existence of pagan ceremonies even amongst the religious Gilds, and from the custom of holding feasts, nothing whatever can be deduced which is essential to the Gilds⁴.

Now these feasts cannot certainly be compared with the

¹ Münter's *Kirchengeschichte*, vol. i. p. 181, &c., quoted in Wilda's *Gildewesen im Mittelalter*, p. 29.

² Compare Wilda, *Das Gildewesen im Mittelalter*, Halle, 1831, p. 5, &c.; Waitz, *Deutsche Verfassungs-Geschichte*, vol. i. pp. 49-75, 2nd ed., Kiel, 1865; Hartwig, pp. 148, 149.

³ Wilda, p. 28.

⁴ Hartwig, p. 153.

already perfectly-developed Gilds of Abbotsbury, Exeter, and Cambridge; but if we connect with them what historians relate about the family in those days, we may still recognize in them the germ from which in later times, at a certain stage of civilization, the Gild necessarily had to develop itself. The family was, according to these historians¹, a community of all-comprehending importance, and its care provided completely for nearly all the wants of the individual. This it was able to do in consequence of the then simplicity of life. The minor found in it his protection; the insulted, the natural friends who sympathized most keenly with him in every injury inflicted, and who helped him to procure satisfaction. He who would engage in those pursuits which alone in that age were worthy of a free man, and which at the same time promised riches and fame—in chase, feuds, and war—found in the family his natural allies. Naturally, he who fell into poverty, or sickness, or any other kind of distress, obtained from the family the necessary help; and it provided of course for the burial of the dead whose heir it was. These are indeed the first, and are even now-a-days the practical results of the family union. For the murdered, there arose from the midst of his family an avenger; to the robbed it gave the necessary help to prosecute and punish the thief, and to obtain restitution of the plunder. (Further consequences of the nature of the family compact were, that the members were obliged to maintain peace amongst themselves; that they were not entitled to appear against each other in a court of justice; and, on the other hand, that they were called upon to punish members, especially women, who had violated the right of the family².) Before the community too it became answerable for its members. The payment of the forfeited *vergild* was, in all cases of offence—which according to ancient usage and custom claimed revenge—the concern of the whole family. The family appeared as such an intimate union of its members, that this responsibility of the whole body for the individual member commended itself to the sense of justice of the people as a matter of course. But as it answered for the compensation, and took part in the payment thereof, and assisted the guilty in order that he might not forfeit life and limbs to his antagonist, so it supplied the accused also with compurgators from among its members to ward off an unjust condemnation. In former times this family bond comprehended all relatives without limitation of degree;

¹ To avoid further quotations I refer to Waitz, vol. i. pp. 49-75. With reference to the Anglo-Saxons in particular, see also Lappenberg's *Geschichte von England*, vol. i. 1834, p. 587.

² By unchastity, as wives or girls.

but in later days it became restricted to the nearer kinsfolk. Of course these members of the family met at oft-recurring banquets, at which, as was customary among the Germans, their interests were talked over and deliberated on, just as has been shown in the above-mentioned accounts of the Scandinavian writers (p. lxviii), who agree in this with Tacitus (*Germ.* cap. 22).

If we compare this description of the family, and the accounts of the above-mentioned banquets, with the statutes of the Gilds at Abbotsbury, Exeter, and Cambridge, (the family appears as the original and pattern type, after which all the later Gilds were formed; and this will be proved still more clearly in the course of this treatise¹. The family meets us here as the closest possible union, consisting of real brothers, and so thoroughly animated with the spirit of brotherhood and of mutual assistance and support, that it brings all conceivable relations within its reach, and provides completely for nearly all those wants, the satisfying of which fell, in later times, partly to the State, and partly to the artificial societies which were formed for this very purpose.) The essential nature of the Gild, as characterized by Wilda himself, is to be found in the family, and developed there even to the highest degree. We do not yet see, it is true, special associations by the side of this most intimate natural union, but neither is there room for the former, by reason of the activity of the latter. It is indeed astonishing that Wilda, who himself afterwards designates the Gilds as "imitators of the family²," should here altogether forget whence they were derived.

With the exception of political interests, for which the State provided, there remains only one relation for which we find no particular provision in the family, namely, Religion. Care for the interests of religion was the business of the whole nation. At the time from which our accounts come down to us, the German tribes had already taken possession of fixed habitations; the relations of neighbourhood and of living-together asserted themselves in public life, and it was natural that the interests which first after politics united neighbours for common action, were the religious ones. (Families, though acting generally as independent individual bodies, and competing most keenly with each other in the pursuit of their material interests, yet united as soon as *that* interest was concerned, which—even in the times of the most barbarian arbitrariness and the most unbridled club-law, the times of the most unchecked pursuit of individual

¹ Compare especially Part III. of this Essay, pp. cii, ciii.

² Wilda, pp. 56-58, 130, 132, 134, 147, 153, 169, &c.

interest—was always considered as the great, the common, the social interest, the reconciliation of man with God. As if single individuals felt themselves too weak to solve this great problem, they have always, at all times, and in all religions, united for the worship of God,—frequently the whole nation, and later, in special sacrificial societies, as we see in the religious associations of the Romans¹, and still more perfectly in the religious Gilds and fraternities of the Middle Ages.)

The circumstance, that we meet here, all neighbours united in one common society, and not yet that separation into closer and more restricted associations which is found in the later Gilds, can give rise to no difficulty. This is a phenomenon which appears always, as soon as a great interest unites men into a community, and which repeats itself in the rise of every separate kind of Gild down to that of our modern Trade-Unions. At first, as long as all belonging to one portion of mankind have an equally lively sense of want, as long as zeal is universal, and energy is equally effective in all, and as long as this zeal is still growing, *one* bond comprehends them all; but gradually, with the increase of number, and with the relaxation of the general interest, or with the appearance of various shades in that interest, they unite into closer societies, or close their circles; by the side of which then arise others of a similar nature². When, for instance—to make use of an example which Hartwig himself brings forward in a later passage of his inquiry—the Christian communions were formed, all the members contributed, according to their ability, to one common fund for the purpose of good works. With the extension of Christianity this general display of love abated; the contributions ceased, or were changed into regular and involuntary taxes; and the zealous separated into particular brotherhoods, &c. Further, the Gilds, from which in later times the town constitutions sprang, comprehended originally, as Wilda himself tells us, all full citizens, whose relations to each other were none but those given by local limits and the bonds of neighbourhood. To the first Gilds of the Kalenders, all the priests of a deanery belonged, and the first Trade-Unions took their origin in a manner thoroughly similar.

The essence of the Gild existed also in those associations for acquiring riches and fame, the sworn confederacies for plunder and heroic deeds referred to above, and mentioned

¹ Cf. Heineccius, *De collegiis et corporibus opificum*, in Heineccii opera omnia, tom. ii. p. 390, Genève, 1766; also Cicero *De Senectute*, cap. 13. Gaius, in l. 4 D. de coll. et corp. 47, 22, quotes a passage from Solon's legislation taken over into the twelve tables concerning *sacrorum sacramentalia*.

² Compare Part III. pp. xcvi, xcvi.

by the Northern historians; and therefore, although from the natural scantiness of the sources, historical references to the direct derivation of the Gilds from them may be wanting, it does not appear that the attempt to bring them into connection with the Gilds ought to be rejected without further counter-proofs¹.

As to the positive opinion of the opponents of our view of the origin of Gilds:—Wilda allows that the later Gilds are derived from the old pagan ones, as regards the custom of assembling together at a common meal on various solemn occasions (a custom, however, which is certainly met with, not only among the Germans, but also in the Greek *ἑσπεροι* and the Roman *Collegia*²). (The peculiar characteristic of the Gilds, says Wilda, first entered into them through the Christian principle of love for one's neighbour; and the Gilds themselves had their origin in the monasteries aggregated together on that principle to share in the benefits of their prayers and good works. These aggregations were joined afterwards by laymen³.) Against this view, Hartwig shows the untenableness of the derivation of the Gilds from those monastic aggregations⁴, and then points to the Gild-like unions of the cultivated and classical nations of antiquity, especially to the Roman burial-societies, which Christianity, as it spread, found already existing on an extensive scale. He then mentions the common contributions of the first Christians for good works, as well as the later discontinuance of these voluntary acts of charity of the laity, when the Church acquired great independent wealth. But, in spite of the immense property of the Frankish Church, Hartwig yet infers, from the existence of a great proletariat in the Frankish realm at the end of the Roman dominion, that associations of clergy and laity for mutual support must have been formed in that empire. Though more exact information concerning these is wanting, yet the existence of associations amongst the clergy of the sixth century for anything but pious purposes,—as for instance for opposing superiors,—appears to Hartwig sufficient reason for inferring the existence of similar ones for charitable purposes. The laity would join themselves at a later period to those societies, whose offshoots he sees in the Gilds of the Kalenders⁵.

¹ Against this view, on wholly insufficient grounds, see Wilda, p. 29; and without stating any grounds, Hartwig, p. 154.

² Hartwig, p. 156. Varro speaks of the licentious banquets of the Roman *collegia*: "Immutabiles collegiorum coenas intendere annonam." Cf. Heineccius, pp. 386, 399. As to the *ἑσπεροι*, see Becker's *Charikles*, vol. ii. p. 239, 2nd edition, 1854.

³ Wilda, p. 31 ff.

⁴ Hartwig, p. 152.

⁵ Hartwig, pp. 156–160. See, on the Gilds of the Kalenders, p. lxxxviii below.

It seems, however, difficult to agree with this learned and ingeniously asserted opinion. The development shows too many gaps, and the connection of the isolated facts with each other is too weak for us to erect with its scaffold the great and magnificent edifice of the Gilds.

The assumption that the Gild first obtained its essential character, and its true purport, from the Christian communions only, seems to me also very difficult to reconcile with the facts so prominently brought forward by Wilda and Hartwig, that the customs and ceremonies of the Gilds of that age were to such an extent those of the old pagan sacrificial banquets, that, for centuries, prohibitions and menaces of punishment were expressly needed in order to destroy this pagan character. (If I may be allowed to form a conjecture in this case, I would rather say that the religious brotherhoods of the Middle Ages, and as they still exist in Catholic countries, have their origin in a connection with monasticism, and in an imitation of it on the part of men who, though wishing to accumulate the greatest possible amount of merits for the next world, yet would not renounce the present; and that this origin is to be sought in Southern lands, in which Christianity and monasticism were first propagated¹. When, therefore, these Southerners brought Christianity into the North, they found existing there these pagan sacrificial unions, with their attendant banquets; and an amalgamation of the Christian religious unions was effected with the sacrificial societies of the pagans, and their customs and rites, like the blending of the Christian festivals and ceremonies with those of the old pagans, which Wilda narrates in so excellent a way. But though this continued existence of the old customs was at first allowed in the interest of the more rapid propagation of Christian doctrine, yet in later times, when the dominion of the doctrine appeared to have been secured, a war was commenced against them by the spiritual authorities as well as the secular ones, who were animated with similar ideas. Undoubtedly, however, the spirit of association received then a mighty impulse, and the Gilds spread themselves rapidly under the influence of Christian doctrine; but, at any rate, as it

¹ It follows from ll. 42 and 43 *Cod. Theod. de Parabolanis*, lib. 16, tit. 2 (with which must be compared the commentary of Gothofredus on these passages, as well as Baronius, *Annales Ecclesiastici*, tom. v. p. 691, Romæ, 1595, and Stolberg's *Geschichte der Religion Jesu Christi*, vol. xv. p. 44, Hamburg, 1818), that already in the third century there existed at Alexandria a Christian brotherhood for nursing the sick. But about the year 416 it had so altered its character, and had so degenerated, as a religious institution, that Theodosius published a decree to prevent it from becoming too powerful, and from meddling with secular affairs.

seems to me, the essence of the Gild, the confederation in societies for mutual help, where the power of the individual appeared too weak to obtain the object desired, is already to be recognized in those old heathen sacrificial assemblies¹.

Though in more ancient times the family connection was strong, and of importance in various ways, as in the maintenance of justice, in the formation of the nation, and in its first settlement, nevertheless, after this settlement had taken place, the relations which it called forth obtained the preponderance. The natural bond of the family became more and more relaxed with the increase of the number of relatives, and with the rise of special interests among the individual members; and would also lose its importance as regards the maintenance of justice. Moreover, the constantly increasing number of kinless people, and of strangers, would further the formation of new institutions; for the State alone was not at that time able to satisfy its members' claims for legal protection.

This change had, above all, to take place in the Anglo-Saxon States² through the intermixture of the people with Britons and Danes. Here, artificial alliances would take the place of the natural ones, and of the frankpledge³ founded thereon. Already, in passages of Ina's statutes which refer expressly to the legal protection of the stranger, mention is made of "*gegildan*" and "*gesith*;" and strangers are the very people who, we are told, lived, later on, in societies or Gilds, to which probably a great antiquity must be ascribed⁴. A law of King Alfréd declared, that when any one who had no paternal relatives, killed another, one-third of the fine should be paid by the maternal relatives, another third by the "*gegildan*," while for the remaining third the man himself was responsible. But if he was also without maternal relatives, the "*gegildan*" had to pay the half, and for the other half "let him flee." In a corresponding case, when such a man had been killed, the "*gegildan*" received half of his fine, the king the other half⁵. If now we consider that, amongst the members of the later Gilds, exactly similar obligations are met with⁶, the opinion will appear justified⁷, that here also, under the term "*gegildan*," Gild-members are understood.

¹ Both Waitz (vol. i. p. 85) and Lappenberg (vol. i. p. 609) appear to believe in this derivation of the Gilds.

² See Additional Notes, No. I.

³ The mutual security which persons of the same tithing gave for each other's good conduct.

⁴ Waitz, vol. i. p. 437.

⁵ Ibid. p. 433.

⁶ Compare the Statutes of the Cambridge Gild on p. lxxvi of this Essay.

⁷ Hartwig, it is true, asserts (p. 136) that it is now universally acknowledged

An already far-advanced development of the Gilds is shown by the *Judicia Civitatis Lundoniæ*, the Statutes of the London Gilds, which were reduced to writing in the time of King Athelstan. From them, the Gilds in and about London appear to have united into *one* Gild, and to have framed common regulations for the better maintenance of peace, for the suppression of violence,—especially of theft, and the aggressions of the powerful families,—as well as for carrying out rigidly the ordinances enacted by the king for that purpose. Particularly comprehensive were the arrangements for prosecution against theft; one might call these Gilds “assurance companies against theft.” Not only were the members obliged to pursue and track out the thief, even in other districts, but the injured person also received compensation for his loss from the common fund. The agreements which had been come to, and the obligation resulting therefrom, bound not only the members of the Gilds, but also all non-members living in the district in which the Gilds existed; and the non-members were for this purpose united into tithings under the lead of the Gild-brothers. Every month the members of the Gild assembled at a banquet, at which the common interests, the observance of the ordinances enacted, and similar matters, were inquired into and discussed. The remains of the viands were distributed amongst the poor. On the death of a member, every associate of the Gild had to offer a loaf of fine bread for the benefit of the soul of the departed, and had to sing fifty psalms, or to get them sung, within the space of a month. All who took part in this league were to be as the members of *one* Gild, in *one* friendship, and in *one* enmity; and every insult was to be avenged as a common one¹. The English Knighten Gild was perhaps one of these united Gilds². At Canterbury, a Gild following the same ends stood at that time at the head of the city, whilst two others existed by the side of it. There are also accounts of a Gild-hall at Dover, from which a Frith Gild may be inferred; and charters of a somewhat later time frequently mention many other Gilds besides these, as having been long in existence³.

The organization of the Gilds was thus in the eighth, ninth, and tenth centuries, not only completed, and probably already

(especially since Kemble), that the just-mentioned “*gegildan*” are not to be taken for Gild-members. Nevertheless Waitz, in the latest edition of his *Constitutional History* (1865), vol. i. p. 438, clings to the contrary opinion, and very justly, as appears to me. See in Waitz the various opinions and writings on this point.

¹ Cf. Wilda, p. 245, &c.; Lappenberg, p. 386; Waitz, vol. i. p. 434; Hartwig, p. 140.

² See below, Part III. of this Essay, p. xcix.

³ Lappenberg, vol. i. p. 610.

widely extended amongst the Anglo-Saxons, but even recognized, and their ordinances imitated, or at least sanctioned, in legislation; and the Gilds enjoyed already such authority in England, that their agreements bound even non-members; and town constitutions were already developing themselves from them. At the same time we see them forbidden and persecuted everywhere on the Continent by ecclesiastical as well as by secular authorities. (A series of Capitularies of the Emperor Charlemagne and his successors¹ interfered with all kinds of combinations and unions, and especially with those which were confirmed by mutual oaths.) Not only those which proposed directly unlawful objects were threatened with scourging, nose-slitting, banishment, and such-like punishments of their members, but even those whose object was protection against robbery and other deeds of violence². Unions were only to be tolerated for mutual assistance in fires, shipwrecks, and similar cases, and even then without the members confirming their obligations by an oath³. Under Louis le Debonaire, Gilds even amongst serfs are met with in Flanders, Menpiscus, and the other maritime districts, and their lords were called upon to suppress them, under the threat of being punished themselves⁴. The clergy too had their Gild meetings, as appears from the Capitularies of Archbishop Hincmar of Rheims. The wanton practices and heathen customs which prevailed at their banquets, as well as the exaction of the contributions and fines which, as in the London and Cambridge Statutes, were imposed for violation of the ordinances, gave Hincmar occasion for vehement complaints against these Gilds⁵. We see from these accusations that the despotic mediæval magnates of the Continent used the same weapons for attacking associations for the maintenance of freedom, as their modern antagonists in free England, the enemies of Trade-Unions.

¹ The passages referring to this matter are to be found in Pertz, *Monumenta Germanie Historica*, Legum, tomus i. p. 37, cap. 16; p. 59, cap. 29; p. 68, cap. 10; p. 74, cap. 31; p. 133, cap. 10; p. 230, cap. 7; p. 232, cap. 4; p. 352, cap. 10; p. 553, cap. 14.

² *Capit. Theod.* 805, cap. 10; *Const. Olonn.* 823, cap. 4; *Capit. Wormat.* 829, cap. 10, in Pertz, l. c., pp. 133, 232, 352.

³ *Capit.* 779, cap. 16, in Pertz, l. c., p. 37.

⁴ "De conjurationibus servorum quæ fiunt in Flandria et Menpisco et in cæteris maritimis locis, volumus ut per missos nostros indicetur dominis servorum illorum, ut constringant eos, ne ultra tales conjurationes facere præsumant. Et ut sciant ipsi eorundem servorum domini, quod cujuscunque servi hujusmodi conjurationem facere præsumperint postquam eis hæc nostra jussio fuerit indicata, bannum nostrum, id est sexaginta solidos, ipse dominus persolvere debeat."—*Capit. Theod.* 821, cap. 7, in Pertz, l. c., p. 230. Compare with this, *Capit. Vern.* 884, cap. 14, in Pertz, l. c., p. 553.

⁵ Cf. Wilda, pp. 22, 35, 41; Hartwig, pp. 138–141, 150.

There is no doubt that these "Gildoniæ" of the Frankish Empire are the same as the Gilds of the Anglo-Saxons, such as those of London and Cambridge¹. The more developed constitution of these appears merely as a consequence of the later times from which the documents on them have been preserved for us, as well as of the freedom from those restrictions which necessarily hindered their prosperity on the Continent. As the unions themselves owed their origin to social and political changes, in like manner the reasons of these prohibitions lay probably in political and social considerations. All the various kinds of Gilds—as will further appear in the course of this inquiry—always arose in times of transition; and especially when we consider the origin of Trade-Unions we shall show how, in every single trade, the Gilds came into existence at the time when each trade was changing from small to great industry. When these Gilds arose, both England and the Frankish Empire were likewise in such a stage of transition. The frankpledges of those belonging to one family became less efficient. Lappenberg relates, that in England² the landed proprietor, the feudal lord, took all his serfs under the same protection as in earlier times was afforded by their kinsmen. This relation could not however satisfy the want of the great numbers of those who had maintained their freedom, and did not belong to any connection of this kind. Amongst these freemen, therefore, we forthwith meet the same contrast which now-a-days separates Economists and Socialists. The freemen of rank and large possessions, who felt themselves powerful enough for their own protection, found, as the strong are ever wont to do, their interest more in a system of mutual feuds, that is, of free competition amongst themselves, than in associations and mutual pledges. But the less powerful, the small freemen, sought, as the weak always do, protection for themselves in confederating into close unions, and formed the Gilds for that purpose.

The mighty efforts of the Emperor Charlemagne to form one central State, transformed all existing relations. His legislation caused especially a considerable diminution of the old freemen. With the pressure which the violent dukes and counts exercised on the people, the number of the latter shrank more and more, exactly as the number of small master-craftsmen and tradesmen dwindled away in consequence of the centralization of trade into the great workshops in the eighteenth and nineteenth

¹ Cf. Hartwig, pp. 138-142, who also, together with Marquardsen, maintains against Kemble the real identity of the London brotherhoods with the remaining Anglo-Saxon Gilds.

² Lappenberg, vol. i. p. 587, &c.

centuries in England. Just as here the artisans could only avoid being pressed down to a slavlike condition by leaguings together into unions, so in like manner the old freemen of Charles's time were only able to maintain their liberties wherever the fact of their dwelling together in larger numbers rendered a confederacy into Gilds possible, or wherever they were secured against the persecution of their oppressors by the peculiar natural conditions of their abode. Although, later on, Charles himself endeavoured in vain to counteract the diminution of the old freemen—so far as it was possible without injuring his system—yet the action of an organization like the Gilds would have made breaches in it; moreover, these stirrings of self-help might have become dangerous to the system of personal government of the arbitrarily ruling Cæsar.

But the universal insecurity after the death of Charles, and especially the devastating incursions of the Normans, were the causes that brought about the association of the people into Gilds, even more than the fear of losing their inherited freedom. But here too it was the same dread that caused self-help to be forbidden; and this was certainly also the cause of the prohibition of the associations amongst serfs against thieves and robbers. The crime of the serfs in their unions consisted in their endeavouring to provide redress for their grievances without making use of the intervention of their masters¹, whose powers over them such interventions always increased. Even when the poor people who were without protection against the inroads of the Normans, leagued themselves into sworn brotherhoods, and in this manner offered firm resistance to the robbers, they were cut down by the Frankish nobles, as a reward for their bravery².

The assumption, that these serfs had also confederated together against their lords for the improvement of their very miserable condition, does not appear to be necessarily excluded by the threat in the Capitulary of Louis, that the lords themselves should be punished if they did not suppress the unions³. At least, the Mayor and Aldermen of London, in the year 1415, made, in like manner, the Wardens of the Tailors' Gild responsible for the existence of associations of journeymen tailors,

¹ The *Capit. Vern.* 884, cap. 14 (Pertz, l. c., p. 553) says: "Volumus, ut presbyteri et ministri comitis villanis præcipiant, ne collectam faciant quam vulgo Geldam vocant contra illos qui aliquid rapuerint. Sed causam suam ad illum presbyterum referant qui episcopi missus est, et ad illos qui in illis locis ministri comitis super hoc existunt, ut omnia prudenter et rationabiliter corrigantur."

² Hartwig, p. 145. Compare him for the rest of these historical statements in general, p. 161, &c.

³ Waitz (vol. iv. p. 364) and Hartwig (p. 145) draw this inference.

which however were directed against the masters themselves¹. As these journeymen stood under the rule of the Wardens of the Tailors' Gild, so stood the serfs to their lords in a relation of protection like the earlier one of the family-members to their family; the lords were responsible for the offences of their slaves in general, and especially for those committed by "collecta," as that same Capitulary of Louis le Debonaire attests². The interest in the maintenance of the existing order of things made it as much a special duty of the lords in the Carolingian times, as of the masters in the fifteenth century, to take care that such order should not be disturbed by any kind of revolutionary movements of the governed class. The suppression of those stirrings of self-dependence appeared a matter of public importance. Heineccius³ already, *apropos* of the interdiction of the Roman *collegia* by Tarquinius Superbus, refers to the opinion of Aristotle (*Polit.* lib. v. cap. ii.): "The means already indicated to maintain the mastery as long as possible, consist in this especially, to suffer neither common banquets nor political unions, nor education in common, nor anything else of the same kind; but to guard against everything which can excite in the people these two qualities—self-consciousness and mutual confidence." If these associations of serfs were also directed against their lords, we have indeed in that Capitulary the first record of a combination of labourers against their masters.

The forbiddance of Gilds in the Frankish Empire could also be justified from religious motives, in consequence of the gluttony and pagan customs always associated with them. But from England we hear nothing whatever of any evil influence of the Gilds. It appears that Englishmen at all times knew better than Continentals how to maintain their right of free and independent action; and their Government seems to have known even at that time how to make use, in an excellent manner and in the interest of public order, of organizations freely created by the people. In Germany a better estimation of the Gilds seems to have commenced under Henry I., who in order to raise the towns, ordered the Gilds to hold their councils, their meetings, and their banquets in them. The same thing was decreed for Norway nearly a century and a half later by Olaf Kirre, the

¹ Cf. Riley, *Memorials of London and London Life in the Thirteenth, Fourteenth and Fifteenth Centuries*, p. 609. London, 1868.

² *Capit. Theod.* 821, cap. 1 (Pertz, l. c., p. 230): "Si servi per contumaciam collecta multitudo alicui vim intulerint, id est aut homicidium aut incendium aut qualicumque rerum direptiones fecerint, domini quorum negligentia hoc evenit, pro eo, quod eos constringere noluerunt, ut talia facere non auderent, bannum nostrum, id est sexaginta solidos, solvere cogantur."

³ Heineccius, l. c., p. 379.

founder of Bergen, and the enlarger of several towns. He also caused houses to be built for this purpose, as for instance at Trondjem.

There remains, in conclusion, to state briefly the chief result of this inquiry. The family appears as the first Gild, or at least as an archetype of the Gilds. Originally, its providing care satisfies all existing wants; and for other societies there is therefore no room. As soon however as wants arise which the family can no longer satisfy—whether on account of their peculiar nature or in consequence of their increase, or because its own activity grows feeble—closer artificial alliances immediately spring forth to provide for them, in so far as the State does not do it. Infinitely varied as are the wants which call them forth, so are naturally the objects of these alliances. Yet the basis on which they all rest is the same: all are unions between man and man, not mere associations of capital like our modern societies and companies. The cement which holds their members together is the feeling of solidarity, the esteem for each other as men, the honour and virtue of the associates and the faith in them—not an arithmetical rule of probabilities, indifferent to all good and bad personal qualities. The support which the community affords a member is adjusted according to his wants—not according to his money-stake, or to a jealous debtor and creditor account; and in like manner the contributions of the members vary according to the wants of the society, and it therefore never incurs the danger of bankruptcy, for it possesses an inexhaustible reserve fund in the infinitely elastic productive powers of its members. In short, whatever and however diverse may be their aims, the Gilds take over from the family the spirit which held it together and guided it: they are its faithful image, though only for special and definite objects.

The first societies formed on these principles were the sacrificial unions, from which, later on, the Religious Gilds were developed for association in prayer and good works. Then, as soon as the family could no longer satisfy the need for legal protection, unions of artificial-family members were formed for this purpose, as the State was not able to afford the needful help in this respect. These Gilds however had their origin in direct imitation of the family. Most certainly, none were developed from an earlier religious union: as little as were the Roman *collegia opificum* from the Roman sacrificial societies, or the Craft-Gilds from the Gild-Merchants, or any Trade-Unions from a Craft-Gild.

II. THE RELIGIOUS (OR SOCIAL) GILDS.

AFTER the German tribes had settled in fixed abodes, the families dwelling in a certain district united themselves into common sacrificial assemblies. As a rule, common meals were connected with them, to which every one taking part had to bring what he wanted of food and drink. From this these unions were called *Gilds*. When Christianity, together with its religious fraternities, came to the North, the latter amalgamated with the heathen sacrificial societies which they found there, and from this union arose the Religious Gilds of the Middle Ages.

This is the opinion on the origin of the Religious Gilds already expounded in the foregoing part of this Essay. In the above cited statutes of the Gilds at Abbotsbury and Exeter, of the eleventh century (p. lxxv), we see the organization of these Gilds already completely developed. But much earlier, though less detailed, information is afforded by the Capitularies of Archbishop Hincmar of Rheims, of the year 858.

We find, already distinct, in these Capitularies, the two kinds which must be distinguished among the Religious Gilds. The one exists among laymen; and it alone is called "*Geldonia*." It alone, too, bears already the complete character of the Religious Gilds as it existed during the whole of the Middle Ages. The other kind of Gild exists among the clergy.

In the Capitulary¹ relating to the Gilds among laymen, Hincmar gives instructions to his clergy as to their allowed sphere

¹ Labbei Concilia, ed. Coleti, t. x. cap. 16. p. 4: "De confratris, earumque conventibus, quomodo celebrari debeant.—Ut de collectis, quas geldonias vel confratrias vulgo vocant, sicut jam verbis monuimus, et nunc scriptis expresse precipimus, tantum fiat, quantum ad auctoritatem, et utilitatem, atque rationem pertinet: ultra autem nemo, neque sacerdos, neque fidelis quisquam, in parochia nostra progredi audeat. Id est in omni obsequio religionis jungantur: videlicet in oblatione, in luminaribus, in oblationibus mutuis, in exequiis defunctorum, in elemosynis, et ceteris pietatis officiis: ita ut qui candelam offerre voluerint, sive specialiter, sive generaliter, aut ante missam, aut inter missam, antequam evangelium legatur, ad altare deferant. Oblationem autem, unam tantummodo oblatam, et offertorium, pro se suisque omnibus conjunctis et familiaribus offerat. Si

of action, and as to the solemnities to be held at their meetings. He first tells them quite in general, that only that should be done which was required by dignity, utility, and reason; but he immediately defines this somewhat more precisely: "They shall unite for every exercise of religion: that is to say,"—and now follows, as a more detailed statement of the duties involved therein, the enumeration of all the objects which are again met with in the later Gild-statutes,—“they shall unite for offerings (especially of candles), for mutual assistance, for funeral services for the dead, for alms, and other deeds of piety.” On the other hand, Hincmar forbids, what other Capitularies term “*diabolicum*” (which must be translated here by “heathenisms”), namely, feasting and drinking-bouts, because they led to drunkenness, gave occasion for unjust exactions, for sordid merriments, and inane railleries, and ended often even with quarrels, hatred, and manslaughter. If it was the priest of the Gild or any other clergyman who acted against this prohibition, he was to be degraded, but if it was a layman or a woman, he or she was to be excluded until satisfaction was given. If it became necessary to call a meeting of the brothers, as, for instance, for the arrangement of differences which might have arisen among them, they were to assemble after divine service; and after the necessary admonitions, every one who liked was to obtain from the priest a piece of consecrated bread and a goblet of wine; and then he was to go home with the blessing of God.

These fraternities were spread in the Middle Ages, in great numbers, over all countries under the sway of the Roman-Catholic religion, and they exist even now in such countries. As the Gild Statutes contained in this collection—and they are but waifs and strays of large flocks—show, these brotherhoods existed in considerable numbers in every town; thus there were twelve in Norwich, as many in Lynn, in Bishop’s Lynn nine,

plus de vino voluerit in butticula vel canna, aut plures oblatas, aut ante missam, aut post missam, presbytero vel ministro illius tribuat, unde populus in eleemosyna et benedictione illius eulogias accipiat, vel presbyter supplementum aliquod habeat. Pastos autem et comessationes, quas divina auctoritas vetat, ubi et graves, et indebitas exactiones, et turpes ac inanes letitias et rixas, sæpe etiam, sicut experti sumus. usque ad homicidia, et odia, et dissensiones accidere solent, adeo penitus interdicimus, ut qui de cetero hoc agere præsumperit, si presbyter fuerit, vel quilibet clericus, gradu privetur, si laicus, vel femina, usque ad satisfactionem separetur. Conventus autem talium confratrum, si necesse fuerit ut simul conveniant, ut si forte aliquis contra parem suum discordiam habuerit, quem reconciliari necesse sit, et sine conventu presbyteri et ceterorum esse non possit, post peracta illa quæ Dei sunt, et Christianæ religioni conveniunt, et post debitas admonitiones, qui voluerint eulogias a presbytero accipiant: et panem tantum frangentes, singuli singulos biberes accipiant, et nihil amplius contingere præsumant, et sic unusquisque ad sua cum benedictione domini redeat.”

¹ See Hartwig, pp. 142, 153.

while abroad, Gallienus counts even eighty in Cologne, Melle about seventy at Lübeck, and Staphorst more than a hundred at Hamburg¹. But their objects and organizations were so identical everywhere, and remained so essentially unchanged during successive centuries, that a comparison of them in various countries and at various times could only lead to repetitions. I will therefore simply state their objects and their organization. What is described here, prevailed in all countries alike².

With regard to the objects of these Gilds, Hincmar defines them completely, when he says, "in omni obsequio religionis conjungantur," they shall unite in every exercise of religion. By this were meant, before all things, the associations for the veneration of certain religious mysteries, and in honour of saints³. Accordingly, these Gilds were everywhere⁴ under the patronage of the Holy Trinity, or of certain Saints, or of the Holy Cross, or of the Holy Sacrament, or of some other religious mystery. In honour of these patrons they stuck candles on their altars and before their images; in some statutes this appears even as the only object of the Gild⁵. Wilda⁶ narrates also how the setting up of such a candle became the origin of an entire Gild. Once, towards the end of the fourteenth century, says he, several merchants and shopmen of Flensburg were sitting drinking together, and having paid their score, six shillings (standard of Lübeck) remained over. What should be done with these, was now the question. At length they resolved to order a candle to be made, which was to burn before the image of the Virgin Mary on the altar of our Lady. This fraternity, so insignificantly begun, increased rapidly

¹ See Wilda, p. 346.

² Compare, for what is said in the following, the Gild Statutes contained in Mr. Smith's collection, the Introduction by Miss Smith, pp. xxviii-xlii, Wilda, pp. 344-375, and Ouin-Lacroix, *Histoire des anciennes Corporations d'Arts et Métiers et des Confréries religieuses de la capitale de la Normandie*, Rouen, 1850, pp. 411-542.

³ The modern representative of this is the march of the members of the English village Benefit-Societies to morning service at their church before the midday dinner, the cricket-match and games of the afternoon, and the evening dance.—F. J. F.

⁴ The reason why there is no patron saint mentioned in the case of the Gild of the Smiths of Chesterfield (see Mr. Smith's collection, p. 168), seems to me to be that this Gild does not, in the account given of it, appear any more as an independent Gild, but simply as a subdivision of the Gild of the Holy Cross of the Merchants of Chesterfield. Before it joined the latter, it had been likewise under the patronage of the Holy Cross, as is proved by the members "worshipping before the greater cross in the nave of the church of All Saints," and by the "lights to be burnt before the cross on the days named." But after it had become a mere subdivision of a Gild under the same patronage, a special mention of the patron was no more required, and, for the sake of discriminating it from the rest, it was simply called the Gild of the Smiths.

⁵ See, for instance, p. 14 of Mr. Smith's collection.

⁶ Wilda, p. 347.

in members and in income; the Gild-brothers therefore resolved to adopt a regular constitution, to elect aldermen, to begin a Gild-book, &c. Besides for the setting-up of candles, the members united also for special devotions to their patrons; and amongst these Gilds must be named, above all, the fraternities of the Rosary, as those widest spread since the days of St. Dominic. Further, the Gilds got masses said in honour of their patrons, and went in solemn procession to their churches on the days of their feasts. Conventions like that between the fraternity of London Sadlers, and the neighbouring Canons of St. Martin-le-Grand, by which the Sadlers were admitted into brotherhood and partnership of masses, orisons, and other good deeds, with the canons, were common with these religious Gilds. They further obliged their members to engage in devotions and divine services for the souls of their departed brethren, and often, also, to aid pilgrims and pilgrimages¹, especially to some most revered places, as, for instance, to the Holy Land, to the tombs of the apostles Peter and Paul, or of St. James (of Compostella), to Loretto and other places.

But, as Hincmar pointed out, the "*obsequium religionis*" included not only devotions and orisons, but also every exercise of Christian charity, and therefore, above all things, mutual assistance of the Gild-brothers in every exigency, especially in old age, in sickness, in cases of impoverishment,—if not brought on by their own folly,—and of wrongful imprisonment, in losses by fire, water, or shipwreck, aid by loans, provision of work, and, lastly, the burial of the dead. It included, further, the assistance of the poor and sick, and the visitation and comfort of prisoners not belonging to the Gild. And, as in the Middle Ages instruction and education were entirely supplied by the Church, and were considered a religious duty, we find among the objects of religious Gilds also the aid of poor scholars, the maintenance of schools, and the payment of schoolmasters.

No Gild pursued all these objects together; in each separate Gild one object or the other predominated, and, besides it, the Gild pursued several others. But often, too, we find Gilds for the fulfilment of quite a concrete and merely local task, as, for

¹ Mr. Ludlow's suggestion (*Fortnightly Review*, vol. vi., N. S., p. 399), that the assistance of pilgrims "is probably the original of what is now termed 'donation' to 'travellers,' or 'tramps,' or sometimes simply 'tramp-money'—i.e. relief to members going in search of work," can hardly be serious. Craftsmen travelling in search of work were at least not usual in England in the fourteenth century, and perhaps even never as long as the old system of industry prevailed; whilst a glance at some ordinances relating to the relief of pilgrims, even among the statutes of Craft-Gilds (such as, for instance, on pp. 180, 181 and others of Mr. Smith's collection) might convince Mr. Ludlow of the real nature of these pilgrims. (The 12 Richard II. cap. 3, requiring a Letter-Patent from wandering labourers, evidently refers to agricultural labourers only.) See Additional Notes, No. 4.

instance, the Gild of Corpus Christi at York. I am obliged on this account to make some observations against Mr. Toulmin Smith, though I do it with extreme unwillingness; for nobody can acknowledge Mr. Smith's great merits in making this collection with greater thanks than myself, and I am most keenly alive to the fact that it becomes me, least of all, to enter into controversy against a man of such learning, especially in this place. But Mr. Smith has so strangely misconceived the character of this Gild¹, that I think it absolutely necessary to correct him.

The case with this York Gild is simply this. In all Roman-Catholic countries the consecrated host is carried every year on the day of Corpus Christi, by the priest of highest rank in the place, in solemn procession, in the towns through the streets, and in the country over the fields. This is one of the greatest feasts of the Roman-Catholic Church. To heighten its solemnity, all the pomp which the Church can command is brought together. With this intention the clergy of York founded a special Gild, of which the sole object was to provide the ceremonies and pomp of this festival. As the solemnities of one of the greatest ecclesiastical feasts were in question, it can easily be understood that those who were at the head of the Gild were priests. Moreover, the reason why the many crafts of York joined so generally in this procession, was neither "the love of show and pageant which it gratified," nor was it "the departure from the narrow spirit of the original ordinances," but simply that the taking part in this procession was considered as a profession of faith in transubstantiation. I have myself seen at Munich, the King, the Ministers, the whole body of clergy, the University, all the Trades with their banners and emblems, all the Religious Fraternities, the Schools, and even the Army, taking part in a like procession; and that at Vienna is renowned for still greater pomp.

As there were Gilds for conducting this procession, so there were also Gilds for the representation of religious plays, which were common in the Middle Ages in all countries, and which are still performed in some places, for instance, every tenth year at Oberammergau in Southern Bavaria. Such were the Gild of the Lord's Prayer at York, and the Gilds of St. Elene, of St. Mary, and of Corpus Christi, at Beverley². The performance of secular plays was also the object of some Gilds, for instance, of the Gild at Stamford³, and of the *Confrérie des Conards* at Rouen⁴.

¹ See pp. 140-143 of Mr. Smith's collection.

² See also Blomefield's account of the Gild of the Holy Cross at Abingdon, in his *History of Norfolk*, iii. p. 494.

³ See p. 192 of Mr. Smith's collection.

⁴ Quin-Lacroix, p. 493.

Moreover, all objects of common interest for which now-a-days special societies and associations provide,—for instance, the various insurance companies,—in the Middle Ages caused all who were interested in them to unite themselves to religious Gilds; the motive and the principles only were other than those of to-day, namely, Christian charity, instead of profit. Thus there were not only Gilds like the “*Fraternitas ad Edificandum Capellam St. Gertrudis*”¹, but also those for the repair of bridges and highways². The National Life-Boat Institution of to-day would undoubtedly have been a Religious Gild in the Middle Ages; to be convinced of it one need only look at the statutes of the Gild of the Holy Trinity, Wygnale, Norfolk³. Even at the present time I know of societies similar to these Gilds among the Catholics. The Roman-Catholic Bishops of Germany founded, a few years ago, the association of St. Catherine all over Germany, with a great number of local branches, for the foundation of a Roman-Catholic University. Every member is bound to a minimum contribution and to certain devotions. The Bishop of Hippo and Tagaste founded, especially in France, but with branches extending to other countries, an association under the same obligations for the erection of orphan-houses in Africa; and similar to these there exists still now an infinite number of associations in the Roman-Catholic Church. Like these last-named examples of to-day, the mediæval Gilds always connected special devotions and good deeds with the pursuit of their principal object.

When the Frith-Gilds originated, after the family had ceased to afford its members necessary protection, they also, as well as the Craft-Gilds in later times, connected with the pursuit of their political and industrial objects certain devotions and good deeds; and it has therefore been justly observed, “that it was not till the times subsequent to the Reformation that these fraternities could be regarded as strictly secular.” These religious provisions in all kinds of Gilds were probably the reason why Mr. Toulmin Smith has given the name of Social Gilds to those which provide for other common interests besides the political and industrial ones, instead of terming them “Religious Gilds,” as was usual till now. His name for them is undoubtedly a just one, but it comprehends the political and industrial Gilds as much as the one used hitherto; for the bases on which these Gilds rested were the same social principles as those by which the rest were guided. It distinguishes the two kinds even less; for though there were religious provisions in the political and

¹ Wilda, p. 349. ² See p. 249 of Mr. Smith's collection. ³ See p. 110, *ibid*.

industrial Gilds, yet these were always only of less importance, whilst the other Gilds pursued regularly as principal objects things, the provision for which was considered in the Middle Ages as an essential religious duty and task of the Church¹. Though I acknowledge the justness of Mr. Smith's appellation, I prefer the one which Madox uses, and which is also in use in all other countries.

People of all ranks took part in these Religious Gilds. Now and then, however, people out of a certain class were not to be admitted². The same person might take part in several religious Gilds. The members had often a special livery, as is still now the case with some fraternities at Rome. These liveries were worn on their ecclesiastical festivals, and probably also at the great feastings and drinking-bouts which were always connected with them. Notwithstanding all the prohibitions against the latter, since the days of Hincmar, they seem to have so pushed themselves into the foreground, that sometimes special references were needed in the Gild statutes, that "not eating and drinking, but mutual assistance and justice were the principal objects of the Gild³."

The expenses to be defrayed for attaining the objects of the Gild were provided for by the entrance-fees, the contributions, the gifts and the legacies of members. The contributions were sometimes fixed, but sometimes, especially in earlier times, they varied according to the wants of the Gild. The account of the Gild of the Smiths at Chesterfield is the only one in which there are no contributions mentioned⁴; it had its own property, from which all its expenses were to be defrayed; it had, however, to pay, with bankruptcy for this deviation from Gild principles. The organization of the Religious (or Social) Gilds was the same as that of all Gilds up to the time of our modern Trade-Unions: a meeting, and officers elected in it, with fines for not accepting office when chosen to it. Often the members had, on their entrance, to declare by oath that they would fulfil their obligations. Persons of ill repute were not to be admitted; and mem-

¹ As I discussed this subject a little with Mr. Toulmin Smith,—I think we settled the name together,—I may say that he looked at *the main object* of the Gilds he was dealing with, those of A.D. 1389; and as that was unquestionably social, like that of our modern Benefit-Societies, he gave these Gilds their right name. To have called them "Religious," because of their ornament of a saint's name, would have seemed to him and me a monstrous contradiction, in the days of Chaucer and Wycliffe, of William who had the Vision of Piers the Plowman, and others who have left us records of what Romanism, with its monks and friars, practically then was in England.—F. J. FURNIVALL. See Additional Notes, No. 2.

² See p. 179 of Mr. Smith's collection. See also Wilda, p. 361.

³ See Wilda, p. 33.

⁴ p. 168 sqq. of Mr. Smith's collection.

bers were to be excluded for misconduct. Moreover, the same rules are to be found with regard to proper behaviour and decent dress at the Gild-meetings, as recur in all kinds of Gilds to our day. Disputes among members were to be decided by the Gild. The disclosing of the affairs of the Gild was to be severely punished. In those places in which the Gild had no special hall, its meetings were often held in the Town-hall¹. The fraternities must accordingly have enjoyed high consideration.

As to the Gilds among the clergy, the Capitularies of Hincmar—which, as said above, related to them²—contain ordinances against the extravagances of the priests at funeral meals, and at the feastings which used to follow their meetings, especially those of the priests of a deanery (or diaconasia), on the first of each month. No priest was to get drunk at them, nor was he to empty goblets to the health of saints or of the soul of the deceased; nor was he to force others to drink, nor get drunk himself at the desire of others. The priests were not to burst out into indecent noise or roaring laughter; they were not to sing vain songs nor tell inane jokes; nor were they to allow scandalous performances of bears or female dancers to be made before them, nor delight in other mummeries, “because this was heathenish, and forbidden by Canon law.” Nor were they on every occasion to provoke each other, or anybody else, to passion and quarrels, and still less to fighting and murder; nor was he who was provoked to assail at once his provoker. On the contrary, the priests were to breakfast with honesty and fear of God; holy stories and admonitions were to be read, and hymns sung, and every one was to go home in good time. Exactly the same ordinances are contained in the Capitularies of Bishop Walter of Orleans³, which likewise bear date in the year 858.

These passages do not, however, contain anything from which the existence of a Gild amongst these priests can be inferred; for the extravagances mentioned might be connected with any kind of meeting. In later times, however, the clergymen assembled on the first day of each month to deliberate on their interests, were united in special fraternities, which, from their meeting-day on the Kalends of each month, were called “*Gilds of the Kalenders*.” It is generally inferred from this, that probably even in Hincmar’s time the priests bound each other by mutual agreement to pray for their salvation, and to observe certain

¹ See Wilda, p. 348.

² Labbei Concilia, ed. Coletti, t. x. cap. 14, p. 4: “Quomodo in conviviiis defunctorum, aliarumve collectarum gerere se debeant.” Cap. 15: “Quid cavendum sit presbyteris, quando per Kalendas inter se conveniunt.”

³ Ibid. cap. 17, p. 73: “Quomodo in consortiis et conviviiis gerere se debeant.”

rules with respect to their meetings; and these meetings are accordingly believed to have been Gild-meetings of the clergy. This is nothing but a mere conjecture, it is true. But it is also true that, in later time, the members of the Gilds of the Kalenders used to assemble on the Kalends of each month for divine service, for deliberation on their interests, and for common meals, like the priests in the time of Hincmar. In a deed of the fifteenth century they are still called "*fratres in calendis missas celebrantes*"¹. In any case, therefore, the name "Gilds of the Kalenders" seems to be derived from these monthly meetings.

In later times the objects of these Gilds were extended to the exercise of any good works, especially towards the Gild-brothers themselves,—as for instance, the distribution of loaves among them,—and also to the assistance of the poor, the furnishing of church-attire; and these Gilds, as is shown by the Statutes of the Gilds of the Kalenders at Bristol², employed themselves even in the keeping of old records, and in the maintenance of schools. Now and then the Statutes of these Gilds remind their members expressly, that their fraternity was erected "*non solum pro commodis præsentibus, et lucris temporalibus inhiantibus, sed magis pro beneficiis celestibus et perpetuis*"³; and especially with regard to the great feastings of these Gilds, such admonitions may not have been out of place. Most of the Statutes of the Gilds of Kalenders have, for the regulation of their feasts, a special bill of fare, as an appendix⁴. In some Gilds there were special stewards to provide for these meals, and then the expenses were defrayed by common contributions; in others, some of the brethren and sisters, each in their turn, had to prepare the meal from their own means.

These fraternities existed originally only among the clergy. In later times laymen too took part in them; and then the only distinction of these Gilds from the other religious fraternities was, that the clergy prevailed in them, whilst proportionally only few clergymen belonged to the others, and were even sometimes expressly excluded from all offices⁵. The only account of a Gild of Kalenders contained in the present collection of Mr. Smith, that of the Gild of the Kalenders of Bristol, belongs to this later time. Often the number of members was limited in these Gilds, sometimes to the number of the twelve apostles, sometimes to twenty-four. In this case the number of lay members was always fixed in proportion to that of the clerical members. Thus the Gild of St. Canute at Flensburg consisted,

¹ Wilda, p. 352.² Wilda, p. 356.⁴ Ibid. p. 365.³ See p. 287 of Mr. Smith's collection.⁵ See p. 264 of Mr. Smith's collection.

according to its Statutes from the year 1382, of twenty-four priests; but whenever this number could not be filled up, laymen might be admitted, but only to the number of eight, at the outside. The wives of laymen were, however, excluded from the meetings till the year 1422. In this year, the Gild-book nar- rates, the ecclesiastical brothers were moved by the prayers of the lay brothers, repeated for several years, to grant the admission of their wives to the meals after the general meetings. There was, however, to be one condition: the wife of the lay brother, whose turn it was, was obliged to provide the meal, and to wait at table. The mayor and his wife were to have the first turn¹.

The laymen, however, always remained in a subordinate position. At the meals they had seats separate from those of the priests,—probably because the latter talked over their affairs at table,—and in the deliberations the laymen had no vote. As among the other Religious Gilds, there were special ones for various classes and ranks, so there existed also Gilds for the higher and the lower clergy, the so-called Major and Minor Gilds of the Kalenders. One Gild of Kalenders existed in almost every town; in the larger towns even more. The organization of the Gild of Kalenders was the same as in other Gilds. Often the president was called Dean —perhaps a remnant of the origin of these Gilds.—Often, too, the Gilds of the Kalenders had halls like the other Gilds; and, as in the lay Gilds, the brothers of the ecclesiastical Gilds used to go there daily “to beer and to wine.”

The Reformation shook the whole system of Gilds to its foundation; and this was especially the case with the Religious Gilds of the laity, and the Gilds of the Kalenders. “In Eng- land,” says Madox², “these Religious Gilds have been judged to be founded in superstition;” and it was the same in all coun- tries in which the Reformation gained ground. The Gilds were therefore abolished in all Protestant countries; but not on the Continent as in England, in favour of the private purse of the King and his courtiers³; on the contrary, we see in Northern Germany and in Denmark, the property and income of these Gilds delivered everywhere, according to the intention of the founders, to the common treasure for the poor, to poor-houses, hospitals, and schools⁴. It is very interesting to see that the regular conventions of priests are found in Denmark even in the sixteenth century, after the introduction of the Reformation⁵. They were still called by the same name, “Gilds of the Kalen-

¹ Wilda, p. 359.

² *Firma Burgi*, p. 27.

³ By Act 37 Henry VIII. cap. 4, and Act 1 Edw. VI. cap. 14. See Miss Lucy Toulmin Smith's Introduction, p. xlii.

⁴ Wilda, pp. 372, 373.

⁵ *Ibid.* p. 353.

ders," though they were held no more every month, but only once (or several times) a year. The synod at Rothschild ordered, that they should also take place in those provostships in which they had not existed till then, that the ministers might remain united in doctrine and ceremony. Nobody was, however, to be burdened with the preparation of a meal; and no stranger to the place, and no foreigner, was to be admitted a member of the Gild. The conclusion of another synod says: "When a priest goes to the meeting, he shall not be armed. During dinner they shall abstain from scandalous talk, drunkenness, and unseemly disputes; four dishes and no more are to be served; and towards evening everybody is to go home." A former synod, of the year 1562, had already forbidden the abuse of prolonging these conventions for two or three days. Pontoppidan¹ describes these conventions as they took place in the age after the Reformation, as follows: "The priests, together with their wives, heard a sermon in the church of the brother whose turn it was; they then proceeded round the altar, deposited there an offering on behalf of the poor scholars of the next town; the conclusions and proceedings of the foregoing provincial synod were then recited, and their other affairs talked over and put in order. After this they, together with their whole families, went to the parsonage, where they indulged a little at dinner, '*in bona charitate*' sang certain songs at meals, and made themselves merry in other wise; but sometimes quarrelled also scandalously, and made a great uproar." The resemblance of the synodal precepts mentioned above on this page to those which Hincmar of Rheims gave earlier in the ninth century to the "*presbyteris, qui per calendas conveniunt*" is striking. It shows clearly that after so many centuries these meetings were still held in the same way, and that the same abuses² had to be opposed.

When the zeal against everything connected with Catholicism, inflamed by the Reformation³, had cooled down a little, the old

¹ Pontoppidan, *Ann. Eccl. Dan.* iii. p. 47.

² In the year 1598, a parson at Ewerdrup had to prepare the meal at the meeting of the Kalenders. What was wasted there is to be found minutely in Pontoppidan, *Ann. Eccl.* ii. p. 47. There were consumed, among other things, one head of cattle (at the price of 18 marks), six lambs (12 marks), two fat swine (20 marks), seven geese (7 marks), ten pairs of fowls (3 marks 12 shillings), three tuns of beer of Rostock (33 marks), and two tuns of homebrewed beer (10 marks). The whole meal cost 156 marks 1 shilling.

³ Compare excellent Parson Harrison: "Our holie and festiuall daies are verie well reduced also vnto a lesse number; for whereas (not long since) we had vnder the pope foure score and fiftene, called festiuall, and thirtie *Profesti*, beside the sundaies, they are all brought vnto seauen and twentie: and with them the superfluous numbers of idle wakes, GUILDS, FRATERNITIES, church-ales, helpe-ales, and soule-ales, called also dirge-ales, with the heathenish rioting at bride-ales, are

associates felt painfully the want of their former convivial gatherings. Gilds were therefore re-established for social purposes, and from this probably originated our clubs and casinos of to-day. Of the essential nature of the old Gilds there is, however, no other trace to be found in these modern representatives.

The great analogy between the modern Friendly Societies and the old Religious or Social Gilds, has been already pointed out by Sir Frederick Eden¹. He also pronounces the opinion, that "notwithstanding the unjustifiable confiscation of the property of the Gilds under Henry VIII. and Edward VI., there is every reason to suppose that private associations, on a more contracted scale than the ancient Gilds, continued to exist in various parts of England," and "that it is extremely probable, that many of these Societies [i. e. the Gilds], even after the confiscation of their lands at the dissolution, continued their stated meetings in the common room, or hall, for the purposes either of charity, or of conviviality²." An able article in the *Quarterly Review* for October, 1864, on "Workmen's Benefit Societies" (p. 318), refers also to their analogy with the Gilds. The latest comparison between both has been drawn, with reference to the Gild-statutes contained in Mr. Toulmin Smith's collection, by Mr. J. M. Ludlow, in the *Fortnightly Review* for October, 1869.

well diminished and laid aside."—Harrison's *Description of England*, A.D. 1577-87, in Holinshed, vol. i. p. 138, col. 2. (On Wakes and Church-ales, see Stubbes's *Anatomie of Abuses*, pp. 177, 173 of the 1836 reprint of the fifth edition.) F. J. F.

¹ *State of the Poor*, vol. i. ch. iii.

² *Ibid.* p. 597.

III. THE GILD-MERCHANTS.

THOSE sworn fraternities for the protection of right, and the preservation of liberty, of which mention has already been made in Part I., arose independently of the towns. Yet in the towns, the necessity of protecting liberty, property, and trade, against the violence of neighbouring nobles, the arbitrary aggressions of the bishops or the burgrave, or the bold onsets of robbers, or—as in the case of towns which sprang from the settlements of traders in foreign countries—against the onslaughts of the surrounding and often still barbarian inhabitants,—often too the feeling of insecurity within the towns themselves,—must have specially moved the small freemen to the formation of the societies above referred to. These inhabitants of the towns were old free landed proprietors; partly of the neighbouring estates, but chiefly of land within the territory of the towns themselves. Most of them carried on trade; some probably also handicrafts. But the possession of town-land is the distinguishing mark of these earliest burghers. To this possession alone was full citizenship everywhere attached in the first movements of civic life. Hence, whilst the dangers just mentioned as threatening liberty and property made it necessary to provide means of protection, and whilst the possession of soil in the same small territory—indeed, within the walls of the same town,—together with the similarity of occupations, increased the community of interests, close vicinity of residence made easy the conclusion of alliances. Naturally therefore, the whole body of full citizens, that is, of the possessors of portions of the townlands of a certain value, the “*civitas*,” united itself everywhere into one Gild, “*convivium conjuratum* ;” the citizens and the Gild became identical; and what was Gild-law became the law of the town.

Such Gilds existed in England even in Anglo-Saxon times, as the formerly-mentioned Gilds of Dover, of the Thanes at Canterbury, as well as perhaps the Gild-Merchant at London¹, together

¹ Wilda, p. 244; *Firma Burgi*, p. 26.

with many others, of which only later accounts are extant. Such also were the Gild-Merchant of York¹, the great Gild of St. John at Beverley, of the Hanshouse of Beverley, as well as that of the Blessed Mary of Chesterfield, though these were of a somewhat later period². The Old Usages of Winchester, too, contain many intimations of a former relationship of this kind between the Gild of Merchants there and the whole body of the citizens³; and the same is true of the Ordinances of Worcester⁴. One of the documents relating to these Gilds contained in this volume, contains the grants of liberties, and of a Gild, to the townsmen of Beverley, similar to the grant of civic constitutions to several German towns,—as, for example to Lübeck, according to the municipal laws of Soest, to Freiburg according to those of Cologne⁵,—and to the grant of communal rights to the people of Rheims, “*ad modum communie Laudunensis*”⁶ (Laon), by Louis VII. of France. By this document, on p. 151 below, Thurstan, Archbishop of York, grants to the townsmen of Beverley, a Gild, and “all liberties, with the same laws that the men of York have in their city.” King Henry I., as well as Thurstan’s successors, confirmed this Beverley grant; and there is even a document, stating its confirmation by Pope Lucius III. From this kind of Gild sprang, in England, the method of recognizing the citizens as an independent body, by confirming their Gild⁷.

The same relationship between the Gild and the town community existed in France. In Paris, the government of the town lay in the hands of the *mercatores aquæ*, who formed the municipal⁸ body. In the eleventh and twelfth centuries, especially in the North of France, appear unions of the free

¹ Wilda, p. 250.

² *English Gilds*, pp. 151 and 165. (By the quotation *English Gilds* is always meant the Statutes contained in Mr. Toulmin Smith’s collection.)

³ Cf. *ibid.* p. 357. The Usages date from a time in which the commonalty of Winchester enjoyed already a share in the government of the town. Yet the members of the old Gild of Merchants appear still as its governors; it is from amongst them (“the meste gode men,”—an expression which occurs frequently also in Germany and Belgium for the patrician families) that the Council of the Mayor, and the twenty-four sworn men, are taken; and these exercise a vast influence at the election of the Mayor, and on other occasions. (Cf. *English Gilds*, p. 349.)

⁴ *English Gilds*, p. 369.

⁵ Cf. Wilda, p. 221, &c., and p. 231, &c.

⁶ Raynouard, *Histoire du Droit Municipal en France*, tom. ii. livre iv. ch. i. § 10 (Paris, 1820).

⁷ Madox, *Firma Burgi*, p. 27: “Peradventure, from these Secular Gilds, or in imitation of them, sprang the method or practice of gildating and embodying whole towns.”

⁸ Raynouard, tom. ii. livre iv. ch. i. § 9. See also Wilda, pp. 239–244.

townsmen, in order to protect themselves against the oppressions of the powerful, and the better to defend their rights¹. So, in 1070, the citizens of Mans established a sworn confederacy, which they called *commune*², in order to oppose the oppressions of Godfrey of Mayenne. The people of Cambrai did the same against their bishop in 1076, during his absence; and as he, on his return, refused to recognize their confederacy, they shut the gates of the town against him. An affair of the same kind had taken place there already in 957³. These instances might be multiplied. The numerous grants of communal rights to French towns from the eleventh to the thirteenth century, are nothing but the recognition by the king of such Frith-Gilds as had been previously in existence for a longer or shorter period. Kings, even when they did not favour Gilds upon their own demesnes, generally did so upon those of the nobility, whose power they wished to break⁴. But everywhere then, as in later times upon the formation of trade-unions, many transitory confederations, many unsuccessful attempts, and a great expenditure of courage, magnanimity and energy, preceded the permanent establishment of the communes.

Thus, in 1188, Count Philip of Flanders confirmed to the town of Aire in Artois, its laws and customs, such as his predecessors had already granted and recognized to the citizens, in order to secure them from the attacks of "wicked men⁵." These customs were those of the *Amicitia*, the Gild of citizens, which had been established by them probably even before the time of their first recognition, for protection against attacks from without, and for securing peace within. What the *Amicitia* was for Aire, the so-called *Vroedschapen* were for the towns of the Netherlands⁶, the *Hezlagh* for Sleswig⁷, and apparently the *St. Canute-Gild* for Flensburg⁸. There are hardly any records bearing reference to Gilds in Germany in the tenth and eleventh centuries; probably because they had disappeared from public notice in consequence of the measures taken against them by princes and bishops; yet the relations existing at a later period between the "highest Gild" and the town, leaves no doubt that

¹ See the account of the grounds of ratification in the Charters of the French Kings. Raynouard, tom. ii. livre iv. ch. 7.

² In Belgium and Germany it was only the unions of the lower classes which were called communes.

³ Cf. Moke, *Mœurs, Usages, Fêtes et Solennités des Belges*, Bruxelles, ii. p. 6.

⁴ Raynouard, tom. ii. livre iv. ch. 7, 8; Wilda, p. 152.

⁵ D'Achery, *Spicilegium* (ed. Paris, 1723), tom. iii. p. 553: "Quas ob injurias hominum perversorum propulsandas . . . eis indulserunt." See also Wilda, pp. 147-151.

⁶ Wilda, p. 151.

⁷ Ibid. pp. 77, 152-158.

⁸ Ibid. p. 158, &c.

here too the Gild was the germ of the town-constitutions¹. "But the enigma, that many towns in France (as even Paris, and almost in like manner in England, London) had municipal constitutions, without such a commune or Gild ever having been granted to them, finds its solution in the fact, that the Gilds existed there before German municipalism had come into being, and that the latter had developed itself unnoticed out of the former²." This may also be said of the great towns of Flanders³. Of London, more anon⁴.

The earliest notice of such a Town-Gild upon the Continent, of that in Sleswig, contains a noble instance of a daring fulfilment of the duties imposed upon the Gild-brothers. Magnus, the son of King Nicholas of Denmark, had slain the Duke Canute Lavard, the Alderman and protector of the Sleswig Gild. When King Nicholas, in 1130, came to Hetheby (that is, Sleswig), his followers advised him (as an old Danish chronicle relates) not to enter the town, for the townsmen put in force the law with extreme severity within their Gild, called *Hezlagh*, and did not suffer any one to remain unpunished who had killed or even injured one of their brethren. But the king despised the warning, saying, "What should I fear from these tanners (*pelipers*) and shoemakers?" Scarcely, however, had he entered the town, when the gates were closed, and at the sound of the Gild-bell the citizens mustered, seized upon the king, and killed him, with all who tried to defend him⁵. Thus, even at the beginning of the twelfth century, the Gilds enjoyed in Denmark such respect, that the lord of the land, Duke Canute, was pleased to become their Alderman: and they had such power that they could venture to revenge, even upon a king, any violation of the law committed on a member of their great family.

The Sleswig Gild was called *Hezlagh*, that is, either sworn Gild, *convivium conjuratum*, or highest Gild, *summum convivium*⁶. If the latter, other Gilds must have existed besides it. Although the body of citizens and the Gild originally included the same persons, yet the quality of being a full-citizen did not of itself include the fellowship of the Sworn-Gild; for this a special acceptance was required. Now, as the towns flourished and increased in well-being, material differences in property must have arisen among the full-citizens—partly through the failure of individuals in the race for wealth, partly through the settlement of new poor families in the town—which could not but have a lowering effect on their occupations⁷. This led to

¹ Wilda, p. 170. Compare also Arnold's *Verfassungs-Geschichte der deutschen Freistaedte*, 1854, i. p. 401.

² Wilda, p. 152.

³ Moke, i. 191.

⁴ See pp. xcvi, xcix of this work.

⁵ Wilda, p. 71.

⁶ Ibid. p. 72.

⁷ Arnold, ii. p. 208; Moke, i. p. 179, ii. 107.

closing the old Gild which hitherto had existed alone in a town; by the side of which others then formed themselves with the same or similar ends. But the oldest Gild maintained a very natural precedence over the others, and was even called the "higher" or "highest" ¹ Gild." Gradually, some system of hereditary transmission of the freedom of the Gild came into existence *de facto*, in that the son generally entered the fraternity to which his father belonged: the sons of Gild-brothers were naturally more willingly accepted than other new members, and, later on, the conditions of entry were rendered more easy for them. Thus originated a certain circle of families which from generation to generation belonged to the highest Gild, and continuously constituted its stock. The oldest Gild remained no longer equivalent to the whole body of citizens; the Full-burghers Gild became the Old-burghers Gild, and according to place and time its development became more or less aristocratic ².

In Sleswig, when King Nicholas was slain there in 1130, the Gild still included the whole body of the citizens. The Chronicle at least speaks of the citizens in general, who mustered at the call of the Gild-bell (the town-bell) ³. On the other hand, in Germany, at a somewhat later period, the government of the town is everywhere found in the hands of a "highest Gild." In Cologne the *Richerzchezzait*, or Gild of the rich, *summum convivium*, occupied the municipal offices. In the eleventh century, during the struggle of the Cologne people against their bishop, Hanno, there was still only one Gild, which included the whole of the citizens:—at least, there is no mention of patrician families. But by the end of the twelfth century this Gild had become a *summum convivium* ⁴. The government of the town rested exclusively with a "patrician-aristocracy," the *Richerzchezzait*, which had already grown insolent, exercised an oppressive sway, and looked upon power as a lucrative monopoly. This led, in the thirteenth century, to violent revolts of the craftsmen, particularly the weavers, who were especially thriving there. They were no longer willing to bear alone the burdens of the Commonwealth, but desired a share in the administration, at least in what concerned the management of the city household, and especially as the "Old-burghers" contributed least to the payment of the taxes. Several times, indeed, we see the weavers allied with the bishops of Cologne against the

¹ Wilda, p. 170, quotes the Statutes of Dortmund: "Si vero percussor est confrater maioris gylde nostræ anam vini superaddat burgensibus pro emenda." The members of the highest Gild enjoyed also the privilege of a less number of sworn brethren being required. Cf. Wilda, pp. 75–86.

² Cf. Wilda, pp. 77, 78; Arnold, vol. i. p. 246.

³ Wilda, p. 77.

⁴ See also Arnold, vol. i. p. 401 &c.

✓ ruling families. The like often happened in those days—as for example, at Liège, Huy, and Bâle—and also in the earlier alliances of the French communes with the kings against the nobility, as well as in the modern alliances between the working-classes and Tories, or Cæsars. But the men of Cologne did not succeed in their object, in the overthrow of the patricians, until the second half of the fourteenth century. Contemporary with the *Richerzeckheit* there existed in the town other Gilds of merchants; but information as to their participation in the government of the town is wanting¹. Traces of the same or some similar development are to be found in Spire, Strasburg, Frankfort-on-Main, as well as in Freiburg and Lübeck, and in several other towns². The frequently recurring repetitions, by the town-hating Hohenstauffen, of Charlemagne's prohibition of conjurations (societies bound by mutual oaths), are shown by this to have been nothing but abortive attempts to annihilate the Gilds, whose existence was peremptorily required by the circumstances of the time. These prohibitions however affected the highest Gilds less than the others; at least, Frederick II.'s prohibition of the Gilds of Goslar in A.D. 1219, specially excepts the Gild of Coiners³, which in the free towns was regularly identical with the highest Gild, as in Cologne, Spire⁴, and other places.

In England, where the Gilds were far in advance of those of any other country, there were highest Gilds of the kind described, even in Anglo-Saxon times. There, according to Lappenberg⁵, the landed proprietors on or near whose estates the towns were built, for a long time exercised great influence in them, and constituted their aristocracy. Thus, in Canterbury, the condition of becoming an alderman was the possession of an alienable estate (*soca*), the possessors of which were united with other landed proprietors to the there-existing old Gild of the Thaness. But as there were at Canterbury two other Gilds besides, this Gild of the Thaness was probably the *summum convivium* of that city⁶.

With a much higher degree of development we have however to deal, as I believe, in the before-mentioned union of the Frith-Gilds of London, the like of which recurs at a later period at Berwick-upon-Tweed, and in a less degree of perfection in the German towns. The fact of London preceding other places in this development, presents no difficulty, since England must be regarded as the birthplace of Gilds⁶, and London perhaps as their

¹ Wilda, pp. 176-194, 235 &c. 257 &c.; Arnold, vol. i. pp. 418, 419, 425, 433.

² Wilda, p. 169.

³ Lappenberg, vol. i. pp. 610-612.

⁴ Wilda, pp. 194-228, 231.

⁵ Ibid. p. 195.

⁶ See Additional Notes, No. 1.



cradle. At least there is documentary evidence that the constitution of the City was based upon a Gild; and it served as a model for other English towns¹. According to the *Judicia Civitatis Lundoniae* of the time of King Athelstan, the Frith-Gilds of London united to form one Gild that they might carry out their aims the more vigorously. This united Gild governed the town; as is proved by the fact that their regulations bound even non-members. The occasion of this union was, perhaps, that here, as afterwards in other places, other Gilds had gradually formed by the side of the original sole Gild, and rivalries between the old and the new prejudiced the attainment of the aim of the Gilds—the protection of freedom and of right. Possibly the English *Knighten Gild* was this original one. According to Madox², the alderman of the Knighten Gild was the alderman of the Merchant Gild of the City. Nor is our conjecture contradicted by Stow's statement³ as to the date of the origin of this Gild; for this was probably only a sanction for the Gild's possession of landed property which it had received from King Edgar. It would not of course require royal permission to come into existence. The Knighten Gild had possession and jurisdiction both within and without the City, and its lands afterwards formed a quarter of London, whose name "Portsoken" shows also that it was formed from a territory situated originally without the city gates⁴. It was thus probably a Gild like that of the Thanes of Canterbury.

A similar union took place three centuries later at Berwick-upon-Tweed. In the years 1283 and 1284 the townsmen of Berwick agreed upon the statutes⁵ of a single united Gild: "that where many bodies are found side by side in one place, they may become one, and have one will, and, in the dealings of one toward another, have a strong and hearty love." Article I. therefore provides that "all separate Gilds heretofore existing in the borough shall be brought to an end," and that "no other Gild shall be allowed in the borough." All formerly existing Gilds were to hand over to this one Gild the goods rightfully belonging to them, and "all shall be as members having one head; one in counsel, one body strong and friendly." The way in which this statute was drawn up shows clearly that "citizen" and "Gild-brother" were considered identical. It also contains a series of regulations concerning the administration of the

¹ Wilda, p. 248. See also Hüllman, *Städtewesen*, vol. iii. p. 73.

² *Firma Burgi*, p. 30.

³ Stow's *Survey of London* (ed. 1720), bk. ii. p. 3 &c.

⁴ Lappenberg, vol. i. p. 614; cf. also Wilda, p. 247.

⁵ *English Gilds*, p. 338, &c.

town, the police of the markets, and various other points of municipal interest'. The words of the preamble and of the first article show that, before the union of the various Gilds, rivalries detrimental to the body of the citizens had sprung up. The succeeding articles make it clear that only the better inhabitants, the merchants, were Gild-brethren and citizens²: and several of the articles point out that at least one of the consolidated Gilds had been a Frith-Gild³, which originally coincided with the whole body of citizens⁴. It may be that this first Gild included—as was the case in Canterbury—the old families, the original possessors of the soil in and around the town, who either then or afterwards carried on trade; or that it acquired with the growth of the town an aristocratic family character, as was the case in many German towns; or that it limited, for other reasons, the number of its members. Then new Gilds arose, whose members were but little, or not at all, behind those of the first, either in rank, social consideration, or wealth, and who therefore strove for an equal share in the government of the town. This led, in Berwick, to the above-noticed amalgamation of the Gilds, and in the German cities to a participation in the Town-Councils. Thus it was with Spire and Frankfort; thus also with Lübeck and Strasburg, and probably also with Cologne. In London this process was going on perhaps as early as the tenth century. The admission of these new Gilds formed the transition from the Gild constitution of the town to that of the “commune,” which was often further developed under violent storms, when the patricians withstood the ever-increasing struggles for power of those inhabitants who were excluded from political rights. The history of the German and Belgian towns furnishes abundant proof of this being the case.

A peculiar union of Gilds must be inferred from an article in the Gild-Statutes of Malmoe in Denmark⁵. According to this article a confederation existed among the Gilds of various places, and had general assemblies of the Gild-brothers at Skanör. Perhaps its condition was analogous to that of the Flemish Hanse, or of the confederacies of the German towns, or of Edinburgh, Stirling, Berwick, and Roxburgh, united to a general

¹ Articles 2, 15, 16, 19, 22, 23, 24, 26, 27, 28, 29, also 30; further 33, 34, 35, 40, 42, 43, 44, 45, 46. *English Gilds*, p. 338, &c.

² Articles 18, 25 (as to the last see p. cvii), 20, 21, 30, and others.

³ Articles 12, 13, 31, 32.

⁴ Cf. Article 14.

⁵ Wilda, p. 100: “Qui vero in aliquo convivio contumax inventus fuerit vel satisfacere noluerit, si legitime citatus fuerit ad synodum generalem in Skanör, si ibidem respondere contemserit, ex tunc a dicto convivio excludatur.” The drawing-up of this statute took place towards the end of the thirteenth century. See Wilda, p. 115.

Scottish Trade-Gild. It reminds one also strongly of the organization of the English Trade-Unions at the time of their change from local into national societies, when they united a great number of towns all over the country.

It may not be out of place here to dwell for a moment on the confederations among the German towns in the thirteenth century which I have just mentioned. They, too, originated from circumstances similar to those which called forth the first Frith-Gilds; they were emanations from the same spirit, were founded on the same principles, and had rules similar to theirs; they were Gilds with corporations as members. The most important among these unions was that of the Rhenish towns. At the time of the interregnum, that is, at the very moment when Germany was left utterly without a ruler, when there was no power to check the princes in the unlimited extension of their rights, when they levied tolls at their pleasure, and ground the poor to the bone by exorbitant taxes; when knights and nobles lived by highway robbery, waylaid streets and passes, and plundered and murdered the merchants; when the strong oppressed the weak, unpunished, and might was right;—in that classical age of club-law, when there was no supreme power in the empire, the union of the Rhenish towns stepped for a time into its place. This union was no mere offensive and defensive alliance; its object was the maintenance of an entire system of order and law, and of the authority of the Empire. It forced even princes and nobles to join it. Like the Gild-brothers of Cambridge, the towns entered upon mutual obligations by oath; and the measures which they adopted for the protection of their members, and for the chastisement of the breakers of their peace, were similar to the Cambridge ones. A special clause insured common protection to the poor and little as well as to the mighty and great, whether they were lay or cleric, Christian or Jew¹.

A short examination of the Statutes of the Town-Gilds will justify our claim for these confederations of towns to be shoots from the same root, fruits from the same tree, and higher stages of the same development from which the Frith-Gilds sprang. From the time when these Frith-Gilds stood at the head of the towns, their Statutes show, without a particle of change, the essential nature of the Gilds as disclosed by the Gild-Statutes of Cambridge. These Gilds appear as an enlarged great family, whose object is to afford such assistance to their members in all circumstances of life as one brother might expect from another,

¹ See Arnold, vol. ii. p. 66 sqq.; Barthold, *Geschichte der deutschen Städte und des deutschen Bürgerthums*, vol. ii. p. 200 sqq. Leipzig, 1850.

and consequently, above all things, protection against the unbridled arbitrariness of the mighty, whether exercised by violence, or attempted at law by means of numerous friends as compurgators. The Gilds do not appear however as associations for instituting a *new* law, but for maintaining the laws already existing, for supplementing a system of order as yet defective and only in course of development, and for guarding in common against the dangers attending a weak government.

The most detail-giving Statutes of Frith-Gilds which any country can show, are the Danish¹. The following statements² rest mainly on their Ordinances:—

✓ If a Gild-brother has been slain by a stranger, the Gild appears as an ally of his relations for taking revenge, or for obtaining the *wergild* or blood money. But if a Gild-brother has slain a stranger, the Gild assists him in the atonement he must make for the manslaughter, by means of the *wergild*; or in his escape, if he has been outlawed for the crime. Even if one Gild-brother kills another, the case is chiefly considered as a matter for the family of the slain; and, having made atonement to it, the culprit may remain a member of the fraternity. Only in the case of malicious and wilful murder was he expelled as a worthless man (*niding*), and left to the mercy (that is, vengeance) of his victim's family. The Gild-brothers also rendered each other such assistance as was sanctioned by the laws and customs of the time, in prosecuting and supporting their rights in courts of law. But it was everywhere the first principle of the Gild to assist him only who had justice on his side. How strictly this principle was observed may be inferred from the universal esteem enjoyed by the Gild-brothers, so that their evidence was considered specially credible; and wherever twelve persons were required as jurors or compurgators, half the number of Gild-brothers, or even less, were deemed sufficient.

✓ To maintain and carry out their Ordinances, the Gild required a special jurisdiction; and, in consequence of the necessary distrust by the citizens of that time of the tribunals of their masters, it was natural that quarrels of all kinds which arose between members after their admission were brought within the reach of the

¹ Gilds had probably been transplanted from England to Denmark under King Canute, about the middle of the eleventh century. They soon placed themselves under the special patronage of the three royal saints of the land, St. Canute the King, St. Canute the Duke, and St. Erich the King, and were called after them St. Canute's Gilds and St. Erich's Gilds. From that time the government got-up relations with them, and favoured them as associations for the maintenance of law, security, and order.

² Compare especially Wilda, pp. 116-144, and the Gild-Statutes contained in this volume.

Gild. Quarrels among members only came, as a rule, within the jurisdiction of the association; and it was only in consequence of the peculiar relation of some Gilds to the town that disputes between non-members had also to submit to the Gild. The limits of this jurisdiction varied according to time and place; but it was everywhere the rule that Gild-brothers, before going into the law-court, had to bring their case before the Gild for the sake of attempting, at least, reconciliation between them. But the Gild never assumed a right over the life and limbs of its members; compensation only, and fines, were used for punishments, the highest penalty being expulsion.

The same regulations as the Religious Gilds had with regard to helping Gild-brothers in every need, are to be found in the Frith-Gilds. On this point the Statutes of the Gilds of all countries are almost identical. If a brother falls into poverty, if he incurs losses by fire or shipwreck, if illness or mutilation renders him unable to work, the brothers contribute to his assistance. If a brother finds another in danger of life on sea or in captivity, he is bound to rescue him, even at the sacrifice of a part of his own goods; for which, however, he receives compensation from the brother assisted, or from the community. English Gild-Statutes frequently mention loans to be given to brothers carrying on trade, often with no other condition than the repayment of it when he should no longer need it. The sick brother found in his Gild aid and attendance; the dead was buried¹; for his soul prayers were offered, and services performed; and not unfrequently the Gild gave a dowry to his poor orphan daughter. The numerous provisions as to the poor, as to pilgrims, and other helpless people, in the Statutes of English Gilds, prove that non-members in want found help from them as well.

The regulations as to the payment of chaplains of the Gild, as to common service and prayers, as well as to common feastings, were equally general: and everywhere fines recur equally for the infringement of the agreed-to Ordinances, for unseemly behaviour, and for offending of members.

There was an alderman at the head of the Gild, and often stewards by his side as assistants. Other officials are also now and then to be met with. The reception of a member depended upon the whole association. If any one living in the country, or a foreigner, wished to become a member of the Gild, a citizen had to pledge himself for his honour. In an association so closely united, the honour of every single member was to a certain extent the honour of the whole body. Pure life and spotless

¹ See also especially Moke, vol. ii. p. 91.

reputation¹ must therefore appear as *the* condition of Gild-freedom. Besides this, the Gild-Statutes demand no other condition for admission. Everybody entering the Gild had to bind himself by oath to keep the Gild-Statutes.

Women also might become members of the Gild. They were, however, generally the wives or daughters of Gild-brothers. It is only an exception when in several of the Gilds women became free of the Gild in their own right. They, however, shared only in the advantages and burdens of the Gild, and never took part in its administration or its councils.

Many of the towns whose government was in the hands of such Gilds, especially those accessible by the sea, had been founded by merchants. Like the modern so-called "factories" in Asia and Africa, the old merchants fortified places from which they carried on trade with the surrounding people. But in all other towns also the great majority of the more respectable burghers lived by trade. "When the Normans approached the harbour of Tiel," says a writer of the eleventh century, "the population living on the Wahal fled, leaving behind all its goods, money excepted: for it consisted of merchants." He speaks besides of their common feasting, and says that they did not pronounce sentence according to the law of the land, but according to their own will, maintaining that the Emperor had granted and confirmed to them this right by charter². It is therefore evident that a Gild of merchants existed there, who governed the town. The excellent market of Antwerp is mentioned as early as 837, in which year the Normans put it to the flames; Gant (Ghent) is described as flourishing by trade and fishing; and the same may be said of a number of other Belgian and French towns. The magistrates of Paris are said to have been called

¹ A passage not yet sufficiently explained in the Sleswig Town-Statutes (Wilda, p. 83), appears to me to find its explanation from this fact. According to this passage, the Gild-brothers needed a less number of compurgators than a non-member of the Gild. If the latter was not married, however, he enjoyed the same privilege as a Gild-brother. But if he married, and was not a member of the Gild, he required the double number. People have justly sought for a special explanation of this Ordinance, by which the married was placed in a worse position than the unmarried. Now at that time the *civitas* and the *convivium conjuratum* were identical, it is true; nevertheless, the quality of a full-citizen did not give by itself the freedom of the Gild. A special admission was required. But every married full-citizen of unstained reputation was doubtless a member of the Gild; and if he were not, it was a sign that some stain on his honour excluded him, which justified in itself the requirement of a greater number of compurgators. But as long as a man was not married, he was not considered an adult; he could not therefore require to be a member of the Gild, and no one could wish to subject him to disadvantages at law for the simple reason that he was young. Compare also the regulations at Hamburg, Wilda, p. 268.

² Moke, vol. i. pp. 118, 120, 192.

nautæ in the times of the Romans¹; and in deeds of the twelfth century the words *burgenses* and *mercatores*, or *mercatores per aquam*, are used as synonymous. The corporation of the Paris merchants stood at the head of the town². It was the same with the towns in Germany. Of the foundation of Freiburg in Brisgau we are told, that when Berthold of Zähringen intended to found a free city, with the same liberties and laws as the men of Cologne had in their city, he first assembled a number of respected merchants, to whom he allotted ground for the building of houses on the place destined as the market-place. From their number he took also the consuls of the town. Lübeck was founded likewise on the basis of a free merchant community. And as it was in these towns, so it was in their prototypes. At Cologne, in the eleventh century, the terms "burghers" and "merchants" are alternately used as synonymous. At Spire the patrician families of the town, from whose ranks the council was taken, carried on trade. In like manner the leading families of Ratisbon consisted of merchants^{3,4}. As to Denmark, the Danish word for town—*Kiöbsted* (bargain-place)—sufficiently denotes its character. In London also the Gild which was the base of its constitution, may have consisted chiefly of merchants. Wilda⁴ alleges, in proof of this conjecture, the early importance of London trade; the ordinance in the above mentioned *judicia*, that every merchant having made three long sea-voyages on his own account was to have the rank of a Thane; and lastly, the report, that in a national assembly at Oxford in the year 1036, the shipowners, as the most important burghers of London, were delegated to elect King Hardicanute. There is no doubt as to the mercantile character of the later Town-Gilds in England; they are even called there *gilda mercatoriae*⁵; and the

¹ Moke, vol. i. pp. 114–123.

² Raynouard, tom. ii. livre iv. ch. i. § 9.

³ Wilda, pp. 231, 233, 236, 260, and 235.

⁴ Ibid. p. 249; see also Madox, *Firma Burgi*, p. 26.

⁵ One of these *gilde mercatorie* certainly existed at York in the time of Henry I. At this date the Gild at Beverley was constituted after its model. (See p. 151 of Mr. Smith's collection.) It became the general rule to confirm the Gild of a town by granting it all the liberties which another town already enjoyed. Wilda (p. 251) quotes from Madox, as towns which had received this confirmation under Henry II., Winchester, Shrewsbury, Andover, Southampton, Wallingford; under Richard I., Gloucester; under King John, Helleston and Dunwich; under Henry III., Hereford. Into the reign of the latter king falls also the rise of the Gild at Chesterfield. (See p. 165 of Mr. Smith's collection.) If the *gilda mercatoria* at Coventry (p. 226 of Mr. Smith's collection) was really a Town-Gild, its rise must belong to a much earlier time than its confirmation by Edward III. in 1340. Perhaps this confirmation was only a repetition of the sanction of the corporate rights, which might appear desirable to the merchants of Coventry, the better to protect their commerce, which, according to their complaints, suffered from their great distance from the sea. Besides, the Gild, as Mr. Toulmin Smith justly remarks,

words by which the king confirms their Gild to the burghers of a town, are often "*quod habeant gildam mercatoriam* ¹." In Scotland too the *gildæ mercatorie* stood at the head of the towns ².

Security from external dangers, and the maintenance of peace in the interior of their towns, had been the original motives of the burghers in uniting themselves into these Gilds. But as almost all Gild-brothers carried on trade, the once existing organization was soon used for the furthering of the common trade interests; for it was in the nature of the Gild to provide generally for all wants which the family union was no longer sufficient to satisfy, and for the provisions for which the State was not yet developed and strong enough. To confederate in defence of liberty and right, was in itself the first requisite for the prosperity of trade and traffic. The regulations also that a Gild-brother who had incurred losses by shipwreck or undeserved misfortune, should receive compensation, may properly be referred to here; and, more still, the gratuitous loans given to the poor Gild-brother for carrying on his trade ³. Moreover, it was the special endeavour of the Gild to obtain privileges which would further trade, for instance, the right of coinage, staple-right, immunity from tolls, &c. ⁴ The Gild provided also for the regulation of industry, and for buying and selling (compare, for instance, the statutes of Berwick-upon-Tweed ⁵, and of the Gild of the Holy Trinity at Odensee ⁶); and for institutions such as the cloth-halls, with their severe control of wares, of which there existed one as early as 1060 at Valenciennes ⁷. The importance of these cloth-halls may be seen from the fact that the merchants of Novgorod, after having several times received defective pieces of cloth from other places, determined that no cloth but that from the hall at Bruges should be allowed entrance into the Baltic ports and the Eastern markets ⁸. The sooner a town became chiefly a commercial place,

might be erected without confirmation. At all events, the fourteenth century was no longer the time in which, on the foundation of Gild-Merchants, town-constitutions were formed. Moreover, earlier Gilds existed at Coventry; and the statutes contain nothing which characterizes the Gild as a Town-Gild. Perhaps also this Gild was nothing but a union for mere trade purposes. The Gild of the Holy Cross at Birmingham of the year 1392 was no *gilda mercatoria*, but appears much more like a Religious Gild. (See p. 239 of Mr. Smith's collection.)

¹ Madox, *Firma Burgi*, pp. 27, 132; *Hist. of the Exch.* vol. i. p. 412.

² Herbert, *Hist. of the Twelve Great Livery Companies of London*, 1837, vol. i. p. 22.

³ See pp. 176, 229, &c. of Mr. Smith's collection. ⁴ Ibid. pp. 151, 152.

⁵ Art. 22, 30, 36, 37, 38, 39, 41, 43. These Articles probably belonged to the various Gilds amalgamated in 1284. ⁶ See Wilda, p. 274.

⁷ Moke, vol. ii. pp. 52, 90, 102. See an account of English cloth-halls in the *Report and Minutes of Evidence on the State of the Woollen Manufacture of England*, 1806. See also p. clxxi, below. ⁸ Ibid. p. 103.

the sooner did the Gild there take the character of a Merchant-Gild. These Gilds had also the superintendence of the craftsmen, as I shall notice when I speak of the origin of the Craft-Gilds. The Gilds founded by the merchants of the same land, even of the same town, in foreign countries—perhaps the oldest, and the prototypes of all others—and their confederacies among each other and with the mother country, the Hanse, can only be mentioned here, as to enter into details would lead us too far.

71 Though the Merchant-Gilds consisted chiefly of merchants, yet from the first, craftsmen as such were not excluded from them on principle, if only such craftsmen possessed the full citizenship of the town, which citizenship—with its further development—depended upon the possession of estates of a certain value situated within the territory of the town. The strict separation which existed between the merchants and the crafts probably arose only by degrees. Originally the craftsmen, no doubt, traded in the raw materials which they worked with. Thus the London tailors were, even in the time of Edward III., the great importers of woollen cloth¹; and as late as the sixteenth century the brewers of Hamburg were the principal corn-merchants². The growth of wealth and of the number of the people necessarily called forth greater division of labour; the full citizens having become rich, only carried on trade, whilst the handicraft was left exclusively to the poor and the unfree. The poor were originally excluded from full citizenship and from the Gild by the want of a property qualification; and when, in consequence of the development which has just been explained, the poor and the craftsmen became identical³, this led to the ordinance repeated in Danish, German, and Belgian Gild-statutes, that no one "with dirty hands," or "with blue nails," or "who hawked his wares in the streets," should become a member of the Gild, and that craftsmen, before being admitted, must have forsworn their trade for a year and a day⁴. The statement in the Gild-Statutes of Skanör⁵ of the year 1266, "that no baker should *henceforth* be accepted as a member of the Gild," belongs probably to the time of the transition just described; perhaps, indeed, the bakers there had formerly been corn-merchants too. Such a state of transition may also be inferred from Article 25⁶ of the statutes of Berwick, according to which no butcher, as long as he carried on his trade, was to deal in wool or hides, except he were ready to forswear his axe. The facts are, that the Gild of Berwick was a

¹ Herbert, vol. i. p. 29. ² Wilda, p. 117. ³ See also Wilda, p. 300.

⁴ Moke, vol. ii. pp. 89, 90, 106, 141; i. p. 193; Wilda, pp. 75, 223, 274, 284, 300.

⁵ Wilda, p. 111.

⁶ See p. 343 of Mr. Smith's collection.

decided Merchant-Gild, and that the members traded chiefly in wool or hides. Formerly this trade was undoubtedly carried on with that of the butchers. But after the craftsmen had been excluded from the Gild, the butchers were forbidden to carry on a trade practised by Gild members. A like case was when the old laws of Gant forbade, in favour of the Gild-Merchant there, that clothes should be dyed for craftsmen¹.

But the craftsman was not only excluded from the Gild, he was governed, and even oppressed, by it. Before, however, entering further upon this question, a short review of the foregoing investigation may be permitted. I have shown above, how after the protection afforded by the old family had been weakened, the common want of protection called forth in neighbours a feeling of family solidarity, and unity of interests of all who were menaced, and how the weakness of them all caused a feeling of general equality and brotherly love; how this led to the entering upon close fraternities, or Gilds, in imitation of the family; how these Gilds were developed, especially in towns; how in their further growth they shut themselves up in their own doors; and how this caused the formation of similar associations among the excluded full-citizens; how, lastly, these associations amalgamated again with the highest Gild at a later period, or obtained a share in the government of the town. Great are the thanks, as Kemble² justly and emphatically says, which we owe to these oldest defenders of the dignity of man against feudal arbitrariness: "in the times of the densest seignorial darkness, they offered a noble resistance to episcopal and baronial tyranny, and formed the nursery cradles of popular liberty."

Yet before this liberty attained a wider expansion, many a hard struggle had to be fought with those who had been its midwives. Independence being obtained, the old spirit departed from the citizens³. The older the Gild-Statutes, the more favourable are

¹ Moke, vol. ii. p. 89.

² *The Saxons in England*, vol. ii. p. 312.

³ A writer of the twelfth century describes the degeneration of the citizens as follows: "Igitur in initio communia federationis fuit grata quia optimi viri eam tum sanxere, vita quorum justa, simplex, innocens fuit, ac sine cupiditate agitabatur; sua cuique satis honeste placebant, jus bonum apud ipsos valebat, concordia maxima, minima avaritia inerat. Civis civem honorabat, dives minorem non exprobat. . . . Postquam vero cives paulatim cœpere torpescere et alter in alterum insurrexere, scelera sceleratorum multa (inulta) reliquere, quisque sua dishoneste dilatare; . . . sic gradatim vi, mendacio, perjurio inferiores quoque opprimere cœpere; jus æquum, urbis bonum sic evanuit, corruiet etiam dominium." (*Chron. Aubertinum*, ad annum 1138; *Hist. Fr.* vol. xiii. p. 499, quoted by Moke, vol. ii. p. 12.) See also Moke, vol. ii. p. 92 sqq. The victory of the Liège citizens over the Duke of Brabant at Steppes in 1213 was followed by a bitter oppression of the craftsmen by the ruling families, carried almost to slavery. The craft organizations were abolished, and the presidents removed; the patricians

they to the man of low rank. Though the citizens were modest and benignant towards the poor, as long as freedom was to be obtained, yet the possession of it rendered them insolent and hard. By the enjoyment of power the descendants of the old simple associates of the Frith-Gilds became proud, ambitious, and tyrannical. The freer and more independent the burghers became, and the less they needed assistance from the general body of the crafts for the defence of liberties acquired and the obtaining of fresh ones, the greater was the degree in which this degeneration of the original noble spirit seems to have taken place. At least it appears to me that the greater dependence on a strong executive power, in which the towns remained in England and Denmark, was one of the causes why we find there no patrician order, whilst the ruling class in the Belgian and German towns, which had grown into small, and almost independent, republics, formed itself into an exclusive aristocracy. This aristocracy consisted chiefly of the descendants of the old merchant families, and partly of the offspring of the noble possessors of the surrounding estates, and of the officials originally appointed by the princes for the government of the towns.

The accumulation of riches helped to widen this ever-increasing breach between the feelings and interests of the different classes. Riches acquired by trade and employed in the purchase of estates and lucrative privileges, and the like, enabled the Gild-brothers to remain idle. Idleness became a matter of rank and of honour¹, and a part only of the Gild-members carried on wholesale trade. Even the laws of the land make the distinction between the patrician and the man "without hearth and honour, who lives by his labour," and the former might with impunity box the ears of the latter for not showing him sufficient respect². As ever, the ruling class, these patricians, also threw the chief burden of the taxes upon the governed. Frequent raisings of these taxes made them always more oppressive, while the income which they afforded, as well as the corporation property and the revenues it yielded, were employed for the private uses of the ruling families³. Besides this, the law was partially administered, or redress entirely refused to the unprivileged; and the worst oppressions

went even so far as to forbid the craftsmen to drink wine, except in case of sickness (Moke, vol. ii. p. 69).

¹ Arnold, vol. ii. p. 195; Wilda, p. 201.

² Thus the municipal law of Brussels of the year 1229 (Moke, vol. ii. p. 115).

³ Arnold, vol. i. pp. 418, 419, vol. ii. pp. 299, 343, 377; Moke, vol. ii. pp. 13, 25, &c. Lacomblet, *Urkundenbuch des Niederrheins*, vol. ii. p. 245, Dusseldorf, 1840: "Quod quociens placet maioribus ciuitatis, ipsi faciunt . . . noua exactionum statuta, quarum exactionum onus portant fraternitates et alii populares, qui communitas appellantur et sic depauperantur," etc.

in consequence of the *mundium*¹ led to the fear that a new serfdom might arise. As many of the craftsmen had once stood in the *mundium* of the bishop or the burgrave, as long as these ruled over the towns, so, after the patricians had got the dominion, a *mundium* of these over the lower classes came into existence, and those "who struck the lion down, had to pay the wolves homage." The mundmen were obliged to swear an oath (*fidelitas*) and to agree to services and taxes, for which the mundmasters promised them protection and assistance. This relation was particularly rigid at Strasburg; some of the ruling families there extorted in this way from the craftsmen a yearly rent of from 300 to 400 quarters of oats. In Cologne the craftsmen were almost the serfs of the patricians. Had the dominion of the patricians lasted longer, this dependence would certainly have become hereditary².

The general deep hatred of the governed towards their oppressors seems therefore only too just; and the one idea which animated the souls of the craftsmen of the thirteenth and fourteenth centuries³, the abolition of the patriciate, seems only too easily to be understood. It was not seldom that they were aided in this endeavour by the degeneration of the patricians themselves. ✓ The principles of association, of brotherly love and unity of interests, under which the patricians had grown free and strong, must have hindered the rivalries of the strong in all their endeavours; and in free competition they fought for superiority in the towns in which a patriciate was most predominant. I need only recall to mind the fights between the Overstolzen and the Weissen at Cologne, between the Zornen and the Mülnheimer at Strasburg, between the Starbearers and the Popinjays at Basle, the strifes of the Auer with the rest of the patricians at Ratisbon, and the similar differences among the ruling families at Spire⁴. But the more the interests of the strong differed, the closer were the confederations of the weak. Already in the thirteenth century in all these towns the most violent struggles broke out between the craftsmen, united in the most brotherly way into Craft-Gilds, and the hated patricians. Tournai, Gant, Bruges, Brussels, Louvain, Huy, Liège, Cologne, Frankfort-on-Main,

¹ Protection given by a noble or rich man to a poorer, for services to be rendered, and assessments paid by the latter.

² Arnold, vol. i. p. 425; vol. ii. pp. 192, 193; Moke, vol. ii. p. 69; Lacomblet, vol. ii. p. 245.

³ Moke, vol. ii. p. 127, says: "L'histoire du 14 siècle n'a rien de plus extraordinaire que la persistance des tisserands et des foulons de Brabant à rêver encore leur cité détruite, comme jadis les Hébreux captifs songeaient à la reconstruction de Jérusalem."

⁴ Arnold, vol. i. pp. 352, 366; vol. ii. pp. 297, 396.

Spire, Strasburg, Bâle, Augsburg, Magdeburg, Halle, and all other towns, however named, were witnesses of the changing fortune of their contests. Towards the end of the fourteenth century the victory was almost everywhere on the side of the Craft-Gilds.

Fierce¹ as the civil war had been, the people were moderate and generous in their victory². Their idea was that of equality of political rights and of justice. Notwithstanding their hatred against their tyrants, the multitude did not wish violence to put its stamp on their laws; they did not wish to oppress those who for former merits might have a right to participate in the government of the towns, and who by education were their superiors³. Mixed governing bodies were formed, consisting of patricians and craftsmen; and often even a majority of one vote was left to the former⁴. In some places, it is true, the craftsmen compelled the patricians to enter their fraternities if they wished to take part in the government of the towns⁵; but even then the great soon got such paramount influence, that new laws had to provide that the "small folk" should form half of the council of the Craft-Gild⁶. The craftsmen did not, however, in the long run remain at the head of the town; but the political equality which their efforts had obtained was maintained in principle; the old Gild constitution was replaced by that of the "commune."

In England the same change of the town constitution went on at the same time. The ordinance of the London citizens in Edward the Second's time, that no person, whether an inhabitant of the City or otherwise, should be admitted to the freedom of the City unless he were a member of one of the trades or mysteries⁷, shows clearly the preponderance of the craftsmen. But the completion of their triumph may be seen by the account, that "In the 49th Edward III. an enactment passed the whole assembled commonalty of the City, by which the right of election of all City dignitaries and officers, including members of parliament, was transferred from the ward-representatives to the trading-com-

¹ Thus, for instance, at Magdeburg in the year 1301 ten aldermen of the Craft-Gilds were burnt alive in the market-place. After the Cologne weavers had lost, in 1371, the "Weavers' Battle" against the ruling families, thirty-three weavers were executed on November 21, 1371; on the day after also houses, churches, and monasteries were searched; all who were found were murdered; lastly, 1800 of them were exiled, with their wives and children, and their hall, "a palace," was demolished. The exiled found a reception at Aix-la-Chapelle, where they helped considerably to raise their trade. Further examples could easily be enumerated.

² Compare the generous treatment of the South by the North after the close of the late civil war in the United States.

³ See Arnold, vol. ii. p. 191.

⁴ Moke, vol. ii. p. 131.

⁵ See Moke, vol. ii. p. 80. The same happened at Cologne.

⁶ See Moke, vol. ii. p. 159.

⁷ Herbert, vol. i. p. 27.

*panies*¹." In the year following, the number of the companies which took part in this election was increased from thirty-two to forty-eight². Nevertheless here also the power remained ultimately in the hands of the old burghers. When, after the ordinance under Edward II., all citizens of London were obliged to belong to the Trade-Gilds, the old burghers probably entered, as in a similar case the old ruling families of Cologne did³, into some of the better Trade-Gilds, from which in later days sprang the so-called twelve great companies; and they pursued under new shapes their old political and industrial interests. Already, towards the end of the reign of Edward III., the separation of these richer companies from the poorer ones may be observed. They gained paramount influence in the Common Council; and from this time dates the still-existing custom of choosing the Mayor of London exclusively from them⁴. The Grocers—merchants who, according to Herbert⁵, received their name from the engrossing (buying up wholesale) "all manner of merchandize vendible"—were particularly powerful. Not less than sixteen aldermen belonged to their Gild, and in 1385 they carried the election of Sir Nicholas Brembre as Mayor for two successive years against the rest of the citizens⁶. As regards industry, the rule remained however for centuries, as will be shown further on, to the principle of small capital (see pp. cxiii, cxiv).

In the time of King Henry VI. the victory of the crafts was general in England; for about that time the kings, as Madox⁷ tells us, began generally to recognize the constitution and liberties of towns in other terms than by confirming their Gilds. "They granted to the men of a town or burgh that they should be a *communitas perpetua et corporata*, a corporate and perpetual community." The Craft-Gilds, whose rise the old city authorities had endeavoured till now also here to suppress, obtained the victory⁸ about the same time as their brethren on the Continent did. A more detailed account of the transition is wanting. Nevertheless in England there is nothing to be found of the severe struggles of the German and Belgian companies against the patriciate. The latter never attained a similar development on British soil; probably because, as has been stated, the rich did not obtain a similar independent dominion in the towns, which were less independent of the sovereign; and because

¹ Quoted by Herbert, vol. i. p. 32, from Norton's *Commentaries on London*.

² Herbert, vol. i. p. 33.

³ Herbert, vol. i. p. 36 sqq.

⁴ Ib. pp. 38, 39.

⁵ See Delpit, *Collection générale des documents français qui se trouvent en Angleterre*, tom. i. p. lxxx. Paris, 1847.

⁶ See Wilda, p. 259.

⁷ Ib. p. 29.

⁸ *Firma Burgi*, p. 27.

there is not in the English aristocracy in general that caste-like seclusion which characterizes the Continental nobility. Greater freedom of the lower classes, as well as the gradual formation of political institutions according to the relative amount of the social power of different classes, which is so characteristic of England, perhaps contributed in this case too—as under similar circumstances of later times—to ward off a bloody revolution.

In the Danish towns also no real exclusive rule of special families seems to have sprung from the Gilds. The towns in Denmark were smaller, and therefore the Gild did not appear, in proportion to the entire population, as a close circle of families. Commerce was there of less importance, and so no very great difference arose between merchants and craftsmen in point of fortune. To this must be added the less independence of the towns in general as already mentioned. For these reasons also the Gild existed in Denmark until the time of the Reformation, which shook vehemently the whole system of Gilds, and wrought the fall of most of them, on account of their connection with the Roman Catholic service. At a later period, it is true, Gilds were carried on or re-established in Flensburg, Copenhagen, and other places. But after the political as well as the religious objects of the Gilds had disappeared, there remained of their old essence nothing but social purposes. Shooting at the popinjay was an old exercise handed down from the glorious times of the burghers, when they combated kings and made them responsible for wrongs committed on Gild-brothers. This became now their chief object. The old St. Canute-Gilds changed everywhere into Archer-Gilds; kings sometimes became members of them; and the degenerated descendants of the Hezlagh of Sleswig, instead of, like their forefathers, defending their old liberties and privileges against sovereigns with the bow, shot in common with them at the popinjay¹.

In Germany too these Gilds, where they went on, and sometimes—as the House Limpurg in Frankfort-on-Main—still exist, sank into the same political insignificance; and the only advantage which the Gild now affords is the right of receiving assistance from its funds in certain emergencies of life.

¹ Wilda, pp. 156 sqq., 161 sqq., 283 sqq.

IV. THE CRAFT-GILDS.

THE origin of the Craft-Gilds—which everywhere in the fourteenth and fifteenth century, as has just been shown, either snatched the government of the towns from the hands of the Old-burgher Gilds, or at least obtained a share in it by the side of those Gilds—has been the subject of considerable controversy. In spite of the absolutely independent origin and development of the handicrafts in the Germanic states of the Middle Ages, and in spite of their character being entirely different to that of the Romans, some authors, finding in the Roman *collegia opificum* institutions which may in some degree be compared to the Craft-Gilds, have derived from them the unions of the handicraftsmen that sprung up with the handicrafts. But this view needs rather to be proved historically by its adherents, than to be refuted by its opponents. It would be much more probable that the Craft-Gilds descended from the companies into which, in episcopal and royal towns, the bond-handicraftsmen of the same trade were ranged under the superintendence of an official, or that they took their origin from a common subjection to police control or from common obligations to pay certain imposts. But even these views deserve no further consideration after Wilda's striking refutation. "The Craft-Gilds," as Wilda says, "did not spring from subjection and dependence; they originated in the freedom of the handicraft class¹."

The population of the towns, at least of those on the Continent, consisted, as late as the eleventh century, of officials, old freemen, and bondmen². To the last belonged the greater part of the handicraftsmen, who, obliged to pay certain taxes and to perform certain feudal services and labours for their lords, were subjected to officers appointed by them. But besides, there were free handicraftsmen, who in earlier times probably belonged to the body of the full citizens; for the expulsion of craftsmen as

¹ Wilda, p. 307. Compare also Arnold, vol. i. pp. 250-258.

² See Additional Notes, No. 3.

such from the full-citizens' Gilds, took place only at a later period of their development, as has been already stated in Part III. As long as one part of the handicraftsmen remained in the organized state of bondage just described, whilst the other part belonged to the full-citizens' Gilds, there was neither want nor room for a further free organization of that class, similar to that of the later Craft-Gilds. The former stood, in all trade matters, entirely under the orders of the lords of the town, whether these were bishops, burgraves, or citizens; and as to legal protection, they were their clients. But the handicraftsmen who were full-citizens received from the full-citizens' Gild on the one hand legal protection, and on the other hand by far greater advantages in matters of trade than even from the later Craft-Gilds; for as full-citizens¹, these handicraftsmen enjoyed perfect freedom of trade in the towns, whilst the foreign handicraftsmen, and those who were not full-citizens, had to buy from the lords of the town the right of carrying on trade, and had to purchase, by various burdens and imposts, the privilege of using the market-halls and other institutions established for buying and selling.

After the free handicraftsmen had been expelled from the full-citizens' Gilds, their relation to the old-burghers was similar to that of the ancient freemen at the time when they confederated into Gilds for protection against the aggressions of the great. On the one hand, the citizens endeavoured to suppress the handicraftsmen into a kind of subjection, and on the other, as, after the expulsion of the royal and episcopal officers, they had the police in market and trade matters in their hands, it was in their power to take measures injurious to the craftsmen. The old-burghers must have felt a great temptation to subject the handicraftsmen, sprung from the free families, to the same imposts as those paid by the bondmen. The right also to allow foreigners, on payment of entrance fees, to carry on trade, could not but endanger the interests of the native craftsmen. Just as in earlier times the maintenance of the personal liberty and the preservation of the small freeholds of the old freemen were concerned, so the question was now to protect the independence of the craftsmen and their earnings, which depended on their stock

¹ Wilda, p. 302. Legal advice of the sheriffs of Magdeburg, in the beginning of the thirteenth century, to Duke Henry the Bearded, for his town Goldberg: "*Noveritis vestre nobilitatis benignitas, quod quilibet burgensis, aut propriam habens domum vel aream quarumcunque rerum venalitate habuerit, eas in domo propria libere vendere potest aut pro aliis rebus commutari. De domo quoque, quam ad augmentandum censum vestrum in communi foro frequentari et per singulas mansiunculas inhabitari statuistis, scire debetis indubitanter, quod si dominus noster Archiepiscopus hoc in nostra civitate attemptaret penitus deficeret.*"

and labour. Isolated, they must have succumbed to the difficulty of their circumstances; hence these of necessity called forth the same free organization of free craftsmen, as that of the old freemen in earlier times. The constitution of the old Gilds evidently served as the model of the Craft-Gilds, and it appears to have been altered only in so far as a change was rendered necessary by the peculiar wants of the craftsmen which made them confederate into Gilds, namely, protection of the industry of the freemen.

Foremost amongst the free handicraftsmen were the Weavers. They formed a kind of middle class between the patricians and the bond craftsmen. The fact that whilst the other crafts worked to supply mere local demands, the Weavers' manufactures found markets in the most distant countries, naturally invested them with greater importance. They were distinguished above all others by wealth, self-respect, and a sense of freedom. Their unions enjoyed of old the greatest independence. In all towns they stood at the head of the craftsmen; and the contests of the handicraft class with the patricians for political emancipation, and its victories, were, above all, the struggles and victories of the Weavers¹.

Accordingly, in all the manufacturing countries of that time, in England, Flanders and Brabant, as well as in the Rhenish towns, the most ancient Gilds were those of the Weavers. The Gild of the London Weavers was chartered by Henry I.², and so was that of the Oxford Weavers. In the reign of Henry II. Weavers' Gilds, confirmed by the king, existed at Nottingham, York, Huntingdon, Lincoln, and Winchester³. In Germany the Woolweavers' Gild of Cologne arose as early as the eleventh century⁴. And in like manner the oldest German charter⁵ referring undoubtedly to a Craft-Gild⁶ is that of a Cologne Weavers' Gild. In the year 1149 the *textores culcitrarum pulvinarium* (weavers of pillowcases) formed a fraternity with the consent of the judges, sheriffs, and aldermen; and thenceforth all who wished to carry on the trade within the town were obliged to join the fraternity and to submit to its rules. The record proves that a union of these handicraftsmen had existed long before the year 1149, and

¹ Arnold, vol. ii. p. 208, and Moke, vol. ii. *passim*.

² Delpit, vol. i. p. lxxxiii.

³ Wilda, p. 314.

⁴ Arnold, vol. i. p. 254.

⁵ Lacomblet, vol. i. p. 251. See below (p. cxix, note 1).

⁶ The record of the appointment of twenty-three men as fishers at Worms by Bishop Adalbert circa annum 1106 (Schannat in *Cod. Probat. Hist. Wormat.* Num. ii. p. 62), seems to speak rather of the creation of one of those companies among bond-handicraftsmen, mentioned in the text, than of a free Craft-Gild. It is utterly unlike the manner in which all other Craft-Gilds have been chartered.

that it was merely confirmed in the said year. At Spire the Gild of the Wool-weavers existed at the beginning of the twelfth century. At Mayence the Weavers are mentioned as early as 1099; at Worms in 1114. At Frankfort-on-Main also, wool-weaving ranked first among the crafts¹. It was, however, in the first manufacturing country of the Middle Ages, in Flanders and Brabant, that the influence of the Wool-weavers' Gild was the most prominent: it appears there as almost the sole leader in all the revolutions of the handicraft class. And when we consider the early flourishing state of the Belgian woollen manufactures—for as early as the first century the clothes of coarse wool woven in Belgium found a greedy market in Rome²; also, that the necessity of defending their coasts against the inroads of the sea and of pirates³ always kept most keenly alive in the minds of the people the fundamental idea of all Gilds, the brotherly solidarity and community of interests; lastly, the bold spirit of independence which led even serfs here to confederate into Gilds⁴,—we may infer that here, among these extremely industrious and stubborn weavers of Flanders and Brabant, did the first Craft-Gild originate.

Although the Craft-Gilds arose first among the most eminent of the handicraft class, among those who were free,—just as in earlier times the most ancient Gilds originated among the old freemen, and later on the Trade-Unions among the best situated working men and *ci-devant* small masters,—to stop the deterioration of their condition and encroachments on their rights and interests, yet this new organization was also soon made use of by the lower members of their class as a means of elevation. With the liberation of the bond handicraftsmen from bondage proper, many of the companies into which they had been ranged passed gradually over into the number of free Craft-Gilds. The latter appear, therefore, everywhere in greater number about the time when the last traces of bondage disappear. Craft-Gilds of this kind, when obtaining their privileges, were frequently put under obligation to pay certain fixed imposts in return for their greater independence in labour and trade, and for the remission of the fines on inheriting property⁵, to which their

¹ Arnold, vol. i. p. 254, &c.

² Moke, vol. i. p. 58.

³ Ibid. p. 51.

⁴ See Part I. of this Essay, pp. lxxvi, lxxviii, lxxix.

⁵ I find in the *Vita Gebehardi Episcopi Constantiensis* (Pertz, *Scriptores*, vol. x. p. 588, lines 32-59: "Post hæc convocatis servis suis elegit ex eis optimos quoque, et constituit ex eis coquos et pistoros, caupones et fullones, sutores et hortulanos, carpentarios et singularum artium magistros, et constituit eis, ut eo die, quo fratribus deservirent, de annona quoque fratrum in patre reficerentur, quia dignus est operarius cibo suo. Ut autem bono animo suis ministrarent dominis, huiusmodi donario ipsos cumulavit, scilicet ut cum quis præsentium vel

episcopal or lay lords were entitled, as well as for other matters. And in proportion to the degree of independence which they obtained according to circumstances, these imposts were greater or smaller. Such, for instance, was the case at Bâle, Constance, &c. Everywhere, however, these societies were changed after the model of the Gilds of those farther advanced craftsmen which have been spoken of. The latter impregnated them with an altogether different spirit and a new life. A similar process may have taken place, in certain cases¹, in fraternities originally religious, which, after the origin of Craft-Gilds, framed trade regulations after the latter's example, and—as in later times certain friendly societies changed into Trade-Unions—so gradually transformed themselves into Craft-Gilds. The time of the origin of Craft-Gilds in general may be said to extend from the beginning of the eleventh to the middle of the thirteenth century². The origin of certain Craft-Gilds depended of course on the gradual rise of the various trades in a town.

The organization of the free craftsmen into Gilds, we thus see, was called forth by their want of protection against the abuse of power on the part of the lords of the town, who tried to reduce the free to the dependence of the unfree, and, by imposts and otherwise, to encroach on the freemen's earnings. Being organized, the Craft-Gildmen provided for the maintenance of the customs of their Craft, framed further ordinances for its regulation, saw these ordinances properly executed, and punished the Gild-brothers who infringed them. The maintenance of their independence against the city authorities, and the possibility of carrying out and making efficient their trade-rules, depended, however, on the condition that all who carried on the trade should belong to the Gild. And though the first Gilds, at their formation, included doubtless all men of the trade, yet in course of time some one or more craftsmen must have turned up, who, unwilling to submit to the rules framed for insuring good work and for protecting the interests of the trade, would carry on his trade without belonging to the Gild. It was impossible either to check this, and prevent detriment arising from it, or to enforce their

eorum successorum, qui de progenie illorum esset, moreretur, exuvie de eo non sumerentur, sed hæredes relictam hæreditatem indivisam possiderent; si vero de alia progenie aliquis accessisset, ab hoc donativo alienus exstisset." For the bond-handicraftsmen in towns and their societies, see Additional Notes, No. 3.

¹ Perhaps the many religious regulations, and the many relations to the cathedral, of some of the Gilds at Bâle (compare, for instance, Berlepech, vol. ii. pp. 18, 19), as well as of the Fullers at Lincoln (compare Mr. T. Smith's collection, p. 179), refer to such a process, though it seems rather doubtful to me. But see also Mr. Ludlow in the *Fortnightly Review*, October, 1869, p. 393.

² Compare Arnold, l. c.

regulation of the trade in a legitimate manner, unless the Gild had been previously acknowledged by the lord of the town or the body of citizens. And thus, though the Craft-Gilds as voluntary societies did not need confirmation by the authorities at their birth, yet this confirmation became afterwards of the greatest importance when these Gilds wanted to be recognized as special and independent associations, which were thenceforth to regulate the trade instead of the authorities of the town. This once obtained, all further protective measures would follow as a matter of course.

This transfer of all trade concerns to the management and jurisdiction of the Craft-Gild was generally accomplished by a confirmation of their ordinance, that every one carrying on the trade within the town or a certain district, should join and belong to the Gild¹. And in return for this privilege the Gild was yearly to pay certain taxes². In London these taxes went to the king. Thus, under Henry I. (A.D. 1100-33) and every succeeding king, the London Weavers paid to the crown a rent or ferme for their Gild; and Madox³ enumerates eighteen Gilds which, under Henry II. (A.D. 1154-89), were amerced as adulterine, for neglecting to pay this tax. But as, in consequence of these privileges of the Craft-Gilds, the citizens no longer enjoyed undivided sway in the towns, they showed themselves everywhere extremely jealous of the jurisdiction which had thus sprung up in their midst, to their own detriment. They therefore opposed with all their might the establishment of Craft-Gilds; and the whole history of these Gilds, till they obtained the mastery in the fourteenth and fifteenth centuries, appears as nothing else than one continual struggle of the handicraftsmen with the town for these privileges. The Norman kings however, equally ready to make the most of both these clashing interests

¹ Lacomblet, vol. i. p. 251. Record of the confirmation of the Gild of the *textores culcitrarum pulvinarium* at Cologne in 1149: "fraternitatem . . . confirmatam suscepisse, hac videlicet ratione, ut omnes textorios operis cultores (scilicet culcitrarum pulvinarium), qui infra urbis ambitum continentur, sive indigene sive alienigene huic fraternitati quo jure a supra memoratis fratribus constat disposita sponte subiciantur. Ei vero aliqua enormitate obvias et subire non coacti nolentes, judiciaria severitate refrenati, cum rerum suarum detrimento, subire et obsecundari tandem compellantur." For the London Weavers see note 1, p. cxx. In the charter of the Oxford Weavers in Madox's *History of the Exch.* vol. i. p. 339, we read: "nemo operaretur de ministerio eorum infra quinque leucatas circa Burgum Oxonie." See also below, p. cxxi, note 7, the charter of the Magdeburg Shoemakers. That this ordinance merely enforced a custom which already existed in the craft before the confirmation, may be seen there in the passage beginning, "Cum enim jus et distinctio, que inter eos est," etc.; as well as in the passage in Italics in this note.

² Compare also, below, the charter of the Magdeburg Shoemakers, p. cxxi, note 7.

³ *History of the Exch.* vol. i. pp. 390, 391.

for the benefit of their exchequer, seem to have put up to auction the confirmation and the suppression of these Gilds.

The contest of the Weavers with the City of London furnishes us with a very striking example of this struggle between the rising Craft-Gilds and the body of the old citizens. The Weavers had obtained from Henry I. the privilege that "nobody, except by them (i. e. by becoming a member of their Gild), shall introduce himself, within the City, into their mystery, and nobody within Southwark or other places belonging to London, except he be a member of their Gild¹;" and these privileges were confirmed to them by Henry II. Exemption from the jurisdiction of the City excited the jealousy of the citizens to such a degree, that the Weavers' Gild had to maintain the most violent struggles with them for its privileges and property. King John had to promise the citizens, in answer to their prayer, "that the Gild of Weavers shall not from henceforth be in the City of London, neither shall be at all maintained;" but as the Gild had been accustomed to pay the king eighteen marks per annum, the citizens "should pay twenty marks in money for a gift" instead. It appears, however, that this suppression of the Craft-Gilds was as ineffective here as in the like case in Belgium and Germany; for as early as the sixth year of Henry III. (A.D. 1221-22) we find the Weavers and the City again at strife; and "the Weavers of London," as Madox relates, "fearing lest the mayor and citizens of London should extort from them their charter and liberties granted to them by King Henry II., delivered that charter into the Exchequer, to be kept in the treasury there, and to be delivered to them again when they should want it, and afterwards to be laid up in the treasury." Even in the fourteenth year of Edward II. (A.D. 1320-1) the privileges of the Weavers remained still a point of contention between them and the town; but in this case it was before a court of justice. On occasion, as it appears, of a complaint for transgression and abuse of their privileges, the Weavers had to prove their right to have a Gild, as well as the legality of every single ordinance framed by them for the regulation of their trade. Their privileges could not, however, be impugned as a whole, but several regulations were pointed out which had crept in after the grant of their charter². Among the documents contained in Mr. Toulmin Smith's collection, those referring to the Tailors' Gild at Exeter

¹ Madox, *Firma Burgi*, p. 286: "nullus nisi per illos se intromittat infra civitatem de eorum ministerio et nisi sit in eorum Gilda neque in Sudworc neque in aliis locis Londoniæ pertinentibus." The words "ministerium" or "officium" were used in mediæval Latin for mystery, trade, craft-gild.

² Compare Madox, *Firma Burgi*, p. 192, &c.; Herbert, vol. i. pp. 17, 24.

show even in the fifteenth century the existence of the same struggle between this Gild and the authorities of the town¹. Sometimes, as in the case of the Bakers' Gild at Bâle, these conflicts, which the new organization of the handicraftsmen called forth between their wardens and the police authorities of the towns, were the chief cause of fixing the rights of the Craft-Gild in a charter².

To the complete independence of the Craft-Gilds, it was indispensable that they should have the right of freely electing a warden for regulating their trade and for managing the Gild. In England this freedom was never restricted; at least, I know nothing to the contrary from the accounts of English Craft-Gilds³. But on the Continent the right of appointing the warden of a Craft-Gild varied according to the nature of the origin of the Gild, or the degree of independence which the particular handicraft enjoyed at the time when its Gild was recognized. Thus the Craft-Gilds which the free handicraftsmen formed amongst themselves possessed, of old, absolute independence in the election of their warden, as, for instance, the Weavers' Gild at Cologne⁴, and the Craft-Gilds in Flanders⁵. At Bâle, on the contrary, where the Craft-Gilds sprang from the companies of bondmen above-mentioned (p. cxiv), the bishop appointed the warden, according to the oldest charters, and in the probably less important trades (*Spinnwettern* and Butchers, 1248); whilst in 1260 the Tailors (who were at the same time cloth-merchants) elected their own warden⁶. In 1157 Archbishop Wichmann of Magdeburg had, from truly generous motives, granted to the Shoemakers the right of free election of their warden. This instance was, however, probably as unique, as the disposition was rare⁷. In Paris, the provost in the thirteenth century appointed

¹ Mr. Toulmin Smith's collection, pp. 299-316.

² Compare Wilda, p. 310.

³ The governor, however, of the fraternity of the Porters in London, constituted in 1646, is always an alderman, whose appointment is vested in the Court of Aldermen. (Allen's *History and Antiquities of London*, vol. ii. p. 412.)

⁴ Lacomblet, vol. ii. p. 250. Award of arbitration between the archbishop and the town of Cologne, &c., 1258: "Quod ab antiquo consuetudine fraternitates eligunt sibi quosdam, qui magistri fraternitatum dicuntur, per quos insolentes fraternitatum compescuntur," &c.

⁵ Moke, vol. ii. p. 95.

⁶ Berlepech, *Chronik der Gewerke*, St. Gall (no date), vol. ix. p. 19, vol. v. p. 18, vol. ii. p. 18.

⁷ The charter runs thus: "In omnibus actibus nostris, in quibus aliquid de honore et utilitate Magdeburgensis ecclesie agere studuimus, libertatem matrem actionis nostre esse volumus, ut, cum honor et utilitas in disputatione nostra accurrerit, libertas suprema semper existeret, quia honor et utilitas sine libertate vilis servitus estimatur. Notum itaque esse volumus universis tam futuris quam presentibus, quod officia civitatis nostre magna sive parva, quodlibet in suo honore secundum jus suum integrum esse volentes, jus et magisterium sutorum ita consistere volumus, ut nullus magistratum super eos habeat, nisi quem ipsi ex communi consensu magistrum sibi eligerint. Cum enim jus et distinctio, que inter

and deposed, as he pleased, the wardens of the *Cordiers* (rope-makers), and the *Poulaillers* (poulterers); but the *Étuvistes* (bath-keepers) elected freely and independently three *preud'hommes* for regulating their trade¹. Free election then became the rule in all trades, till Charles IV. of France (1321–1328) deprived the Parisian craftsmen of the right of freely electing their wardens². Charles VI. in the year 1408, whilst confirming the statutes of a Craft-Gild, actually appointed one of his valets to the warden-ship³. In other countries, even in the thirteenth century, it became the rule for Craft-Gilds to elect their wardens themselves; and it was only during the contests between the crafts and the hereditary ruling families in the German and Belgian towns that the craftsmen had to acquiesce in the appointment of their wardens by the patricians. But this of course changed at once with the triumph of the handicraftsmen.

This triumph, as has been shown in Part III., was won everywhere in the fourteenth and fifteenth centuries, though sooner or later, according to circumstances. In London the Craft-Gilds appear in full possession of the mastery in the reign of Edward III. The privileges which they had till then exercised only on sufferance, or on payment of their *fermes*, were now for the first time generally confirmed to them by charter by Edward III.; the authorities of the City of London, who had in former times contended with all their might against the Craft-Gilds, now approved of their statutes; and in the fourteenth century a large majority of the trades appeared before the mayor and aldermen to get their ordinances enrolled. At the same time they adopted a particular livery, and were hence called Livery Companies. Edward III. himself actually became a member of one of them, that of the Linen-armourers, and his example found numerous imitators amongst his successors and the nobility of the kingdom⁴.

eos est, eos, qui eo jure participare non debent, ita excludat, quod opus operatum alienigene infra jus communis fori vendere non debeant, constituimus, ne alienigene opus suum operatum ad forum non deferant, nisi cum omnium eorum voluntate, qui jure illo quod *Inninge* appellatur, participes existunt. Itaque ad recognoscendum se annuatim Magdeburgensi archiepiscopo duo talenta solvent, que magister eorum presentabit, prout archiepiscopus mandavit," &c. (Berlepsch, vol. v. p. 30.)

¹ Quin-Lacroix, *Histoire des Anciennes Corporations d'Art et Métiers, &c. de la Capitale de la Normandie*, Rouen, 1850; *Statuts des Cordiers de Paris*, art. 10, (p. 738); *Statuts des Poulaillers de Paris*, Art. 11 (p. 747); *Statuts des Étuvistes de Paris*, art. 5 (p. 739).

² Wilda, p. 324.

³ Quin-Lacroix, p. 734—*Statuts des Barbiers de Tours en 1408*, art. 1: "Notre premier barbier et varlet de chambre est et sera garde du dict mestier, auquel tous devront obéir."

⁴ Compare Herbert, vol. i. pp. 28, 29; Delpit, p. lxxx., and the numerous ratifications of ordinances by the City authorities from 1344–1418 in Riley's *Memorials*.

Though political power, as has been already stated, did not continue everywhere in the hands of the handicraftsmen, they yet retained everywhere the independent government and jurisdiction over their trade; and everywhere the fundamental principle of their trade-policy prevailed, namely, the protection to live freely and independently on an industry based on small capital and labour. This was shown in England by the Act 37 Edward III. c. 5 (A.D. 1363). In the nineteenth year of Edward III. (A.D. 1345), a part of the Pepperers had separated themselves from their old Gild and had formed a society of their own. The account¹ of what took place at the formation of this society,—how “twenty-two persons, carrying on the business of Pepperers, agree to meet together at a dinner” (for defraying the expense of which each had to pay twelve pence), “and commit the particulars of their formation into a trading society to writing,” and then immediately after the meal elect their warden, and decide on their periodical contributions,—shows great similarity with the proceedings at the formation of modern working-men’s associations; as, for instance, those of the Bookbinders’ Trade Society, according to Dunning’s excellent account². But these twenty-two Pepperers—together unlike their Bookbinder imitators—were the richest of their trade³, and had probably belonged formerly to the old-citizen class, and had, like all citizens under Edward II., been obliged to join a Trade-Gild. Well, these seceding Pepperers now formed themselves into a separate society, exercised still *de facto* the freedom of trade which had formerly belonged to them as full citizens, and thus threatened to crush, by their riches, the numerous other Trade-Gilds. At least a petition brought against them in the 36th Edward III. complains “that great mischiefs had newly arisen, as well to the king as to the great men and commons, from the merchants called Grocers (grossers), who engrossed all manner of merchandize vendible, and who suddenly raised the prices of such merchandize within the realm; putting to sale by covin, and by ordinances made amongst themselves, in their own society, which they call ‘the Fraternity and Gild of Merchants,’ such merchandizes as were most dear, and keeping in stores the others until times of dearth and scarcity.” In consequence of this, the Act 37th Edward III. c. 5 decreed “that all artificers and people of mysteries shall each choose his own

¹ See the detailed account of the proceedings in Herbert, vol. i. pp. 43-45, also pp. 304-308.

² *Trades’ Societies and Strikes. Report of the Committee on Trades’ Societies appointed by the Social Science Association*, p. 93, &c. London, 1860.

³ Compare Herbert, vol. i. pp. 304-308.

mystery before the next Candlemass; and that having so chosen it, he shall henceforth use no other ¹." This was a legal recognition of the principle of the trade-policy of the craftsmen, namely, that provision should be made to enable every one, with a small capital and his labour, to earn his daily bread in his trade freely and independently, in opposition to the principle of the rich, "freedom of trade." In like manner this principle became prevalent in all the Craft-Gilds on the Continent, and we find it formulated with special clearness in the Emperor Sigismund's extremely original "Secular Reformation" of 1434².

This period of development of the Craft-Gilds was followed by a further extension of them in the beginning of the fourteenth century, and soon afterwards by their degeneration. But before I enter upon this question, and upon the abuses which undisputed possession of their privileges and the full sway in all trade matters produced in them, I wish to speak more fully of the constitution of the Craft-Gilds during the first stage of their growth³. This constitution was but the perfect expression of the wants which called forth the Craft-Gilds, and of the task which they had to perform. Their fundamental principle was the same as that of the Frith-Gilds, that is, of those artificial unions which sprang up to replace the natural family compact, and to secure the protection which the latter afforded to their members in former times (see Part I.). The Craft-Gilds themselves first sprang up amongst the free craftsmen, when they were excluded from the fraternities which had taken the place of the family unions, and later among the bondmen, when they ceased to belong to the *familia* of their lord. Like those Frith-Gilds, the object of the early Craft-Gilds was to create relations as if among brothers; and above all things, to grant to their members that assistance which the member of a family

¹ Herbert, vol. i. pp. 29, 30.

² Goldasti, *Constitutiones Imperiales*, tom. iv. p. 189, Francof. 1713. After much complaining "that one person carries on more trades than belong to him," it is said in cap. v., "Will you hear however what is ordained by Imperial law? Our forefathers have not been fools. The crafts have been devised for this purpose, that everybody by them should earn his daily bread, and nobody shall interfere with the craft of another. By this the world gets rid of its misery, and every one may find his livelihood. If there be one who is a wineman, he shall have to do with this (i. e. the wine trade), and shall not practise another thing besides. Is he a bread-baker, the same, &c., no craft excepted. And it is to be prevented on Imperial command, and to be fined with forty marks of gold, where it is heard that the Imperial towns do not attend to this, that nobody of any trade whatever shall interfere with the craft of another," &c. Compare also cap. viii.

³ For the sake of completeness, and to avoid repetitions, I have sometimes also availed myself in the following statements of Gild-Statutes of the fourteenth century, except as to such points of course in which the degeneration had already begun in the fourteenth century.

might expect from that family. As men's wants had become different, this assistance no longer concerned the protection of life, limbs, and property, for this was provided for by the Frith-Gilds, now recognized as the legitimate authority; but the principal object of the Craft-Gilds was to secure their members in the independent, unimpaired, and regular earning of their daily bread by means of their craft. When then the Craft-Gilds, like the earlier Gilds for the maintenance of justice (Part I. pp. lxxiv, lxxv), were legally recognized, and were brought into the State organism as special associations for the regulation of their trade, a new fundamental element, namely, their quality as a police authority, was added to the element common to all Gilds.

Both these elements are to be found in the Craft-Gilds of all countries; indeed, in all they attained a development so similar, even in details, that whosoever knows the Gild-Statutes of one country, knows those of all. Only in certain concrete regulations do we find deviations which I will point out in the course of this treatise¹.

The very soul of the Craft-Gild was its meetings, which brought all the Gild-brothers together every week or quarter. These meetings were always held with certain ceremonies, for the sake of greater solemnity. The box, having several locks like that of the Trade-Unions, and containing the charters of the Gild, the statutes, the money, and other valuable articles, was opened on such occasions, and all present had to uncover their heads. These meetings possessed all the rights which they themselves had not chosen to delegate. They elected the Presidents (originally called Aldermen, afterwards Masters and Wardens) and other officials, except in those cases already mentioned, in which the master was appointed by the king, the bishop, or the authorities of the town. As a rule, the Gilds were free to choose their masters, either from their own members, or from men of higher rank, though they were sometimes limited in their choice to the former². Did the election fall on a member who would not accept it, he was subjected to fines. Of a council,

¹ In order not to have to cite repeatedly the same sources for every individual statement, I refer here in general to Herbert, vol. i. pp. 40-102; also to the Ordinances in Riley's *Memorials*, and to Mr. Toulmin Smith's collection, especially to pp. 179, 182, 184, 208, 284, 312, 331, 334. Further, to the Gild-Statutes contained in Berlepsch, vols. ii-ix, and to the rich collection of Ouin-Lacroix; also to Orloff, *Das Recht der Handwerker*, Erlangen, 1818, to Schönberg's article in Hildebrand's *Jahrbücher für Nationalökonomie und Statistik*, vol. ix. pp. i. &c., 97 &c., as well as to Hunter's *History of Sheffield*, p. 119, London, 1819.

² There was a contest on that account at Cologne in the year 1258 between the Archbishop and the Craft-Gilds. Lacomblet, vol. ii. p. 247; compare also Wilda, p. 324. See also Mr. T. Smith's collection, p. 305.

which (like that of the Court of Assistants of later times) stood by the side of the masters, we find in early days at most but a trace, in the quorum of members which had to co-operate with the master on various occasions, as, for instance, in the exercise of jurisdiction. In Germany we find something similar in the council of six or eight men of some Gilds at Bâle and Vienna¹ earlier than in England, where we first notice in 1397, in the records of the Grocers, that six persons of that company were chosen to aid the wardens in the discharge of their duties. These cases excepted, assistants are first met with in the sixteenth century. We also find in the Grocers, as early as 1348, four auditors "to superintend the accounts and delivery of the wardens."

The wardens summoned and presided at the meetings, with their consent enacted ordinances for the regulation of the trade, saw these ordinances properly executed, and watched over the maintenance of the customs of the craft. They had the right to examine all manufactures, and a right of search for all unlawful tools and products. They formed, with the assistance of a quorum of Gild-brothers, the highest authority in all the concerns of the Gild. No Gild-member could be arraigned about trade-matters before any other judge. We have still numerous documentary proofs² of the severity and justice with which the wardens exercised their juridical duties. Whenever they held a court, it was under special forms and solemnities: thus, for instance, in 1275 the chief warden of the Masons building Strasburg Cathedral held a court sitting under a canopy. The local trades of the towns continued under a certain amount of control by the town authorities even after the Craft-Gilds had obtained power. The elected wardens had to be brought every year before the mayor, and had to swear "faithfully to execute their offices." The mayor also decided disputes between the several Gilds, and could fine and imprison the wardens of companies at his pleasure. The control of the sale of the most necessary provisions, such as bread, meat, drink, and fuel, was the special care of the town authorities, in order to prevent adulteration and overcharges³.

The punishments which the Craft-Gilds decreed consisted in the payment of fines, or, in earlier times, of certain quantities of wax, or of beer or wine to be drunk at their feasts. In case

¹ See the Gardeners of Bâle (Wilda, p. 325), the *Spinnwetter* at Bâle 1271 (Berlepech, vol. ix. p. 20), the Tailors of Vienna 1340 (Berlepech, vol. ii. p. 226).

² Compare, for instance, Mr. T. Smith's collection, p. 321; Herbert, vol. i. p. 47, &c.

³ Mr. T. Smith's collection—The Office of the Mayor of Bristol, art. 14, 25, 26, 27, 28 (pp. 416, 420, &c.); Herbert, vol. i. p. 55, &c.; Arnold, vol. ii. p. 282, &c.; Ouin-Lacroix, p. 735; Wilda, p. 319; Riley, pp. 156-162, 174, &c.

of more serious offences, such as perjury, persistent disobedience, &c., exclusion from the Gild was the consequence; and this was accompanied with loss of the right to carry on the craft¹. Princes, churches, and city authorities frequently received a share in the fines, as well as in the entrance-fees and contributions of the members. This was especially the case in France², where permission to carry on a trade had often to be purchased direct from the king. For enforcing payment of entrance-fees, contributions towards paying the *fermes* (dues), as well as of fines, the Craft-Gilds made use of the very means so much talked of in the case of the Sheffield Trade-Unions, namely, *rattening*, that is, they took away the tools of their debtors³. It is true that they, as their claims were legally recognized, could sell the tools and take what was due to them out of the proceeds, whilst the want of such recognition compelled the Trade-Unions to enforce payment of arrears by hiding and detaining the objects seized upon. This coercive measure existed unchanged even in the seventeenth century⁴; so that this rat-

¹ The *Constitutions of Masonry* published by Mr. Halliwell are very explicit as to the punishment of disobedient members. The 12th *Punctus* says that they shall be taken in charge by the lords, sheriff, mayor, and knights, &c. present (with the master and other masons) at the assembly where the ordinances are made; and the 15th *Punctus* says that if they will not make amends for their disobedience, they shall be turned out of the craft and not allowed to carry it on, and

“The scheref schal come hem sone to,
And putte here bodyes yn duppe prison,
For the trespasse that they hau y-don,
And take here goodes and here cattelle
Ynto the kynges hond, every delle,
And lete hem dwelle here ful styлле,
Tyl hyt be oure lege kynges wyлле.”

(l. 463-70).—F. J. F.

² For instance, Oudin-Lacroix, p. 746—*Statuts des Poulailleurs de Paris* (thirteenth century), art. 1: “Nus ne puet estre poulaillier à Paris, se il n'achate le mestier du roy, et le vent cil qu'il l'a acheté du roy, à l'un plus à l'autre mains, si comme il semble bon.”

³ Compare Herbert, vol. i. p. 18. “Why the working implements of such of the mystery as were in arrears for their *fermes* might be distrained by the bailiffs of the Gild, to the amount it was computed they owed, and such distresses sold to pay the same? . . . why on non-payment of a member's share of the king's *ferme*, his working tools to the amount should be sold, or detained in the custody of the bailiffs; and also that any member offending against the liberties of the Gild, should be adjudged in like manner to have his working implements seized and disposed of? . . . also if any withheld from another of the Gild his proper wages, and would not pay him, the Gild had power by their bailiffs to distrain. . . .”

⁴ Compare Herbert, vol. i. pp. 191, 192. “If anie member, of his froward disposition or otherwise, refuse to pay quarterage, penalties, arrearages, or other amerciaments, the master and wardens, with their officers, shall have power at lawful times to enter such member's shop, and distrain the same.” The same measures, seizure of tools and closing a member's shop, were also the means of coercion and punishment in the German Craft-Gilds, the so-called “*Handwerk-legen*” (i. e. stopping of the craft of a member). Compare Pöhlitz und Bülow, *Neue Jahrbücher der Geschichte und Politik*, 1843, vol. i. p. 359, &c.

tening, which called forth such pharisaical indignation from the united employers' press, probably enjoys an uninterrupted descent from employers' associations up to the time of Edward II. But it is even far older. It is the old right of distraint of the creditor against the debtor, which occurs in the earliest laws of all German tribes, and was lawfully exercised in Germany up to the sixteenth century¹.

As the object of the association of craftsmen was the regulation of their trade, it was a necessary condition of the efficient working of their rules, that all who carried on the trade should belong to it. This was a matter of course, when they had been legally recognized as a special authority for lawful purposes. Hence it is altogether wrong to represent the constantly recurring ordinance, that every one carrying on the trade should join the Gild, as a consequence of the monopolistic tendencies of the Craft-Gilds. There was, on the contrary, no question whatever of a monopoly in that time. It was not then as it was at the time of the degeneration of the Craft-Gilds, when, as corporations with a limited number of members, they prohibited all non-members of the Gild from carrying on the trade. On the contrary, every person was at first permitted to carry on the trade, if only he joined and submitted himself to the organism created for the purpose of regulating it, that is, if he entered the Craft-Gild; and then, as a member entitled to vote, he exercised influence on its decisions. The yearly *fermes* (dues) too, which the craftsmen had to pay for their privileges, sufficiently explain their wish to draw into their society all the men of their trade, in order to secure increased contributions; and when Edward III. granted a special Gild to the Flemish Weavers, the indignation of the London Weavers may be easily understood, as well as their effort to make the Flemish men participate in the payment of their *fermes*².

The income of the Craft-Gilds consisted of small entrance-fees, of wax for the churches, and of taxes which were levied for special purposes as they occurred; for instance, on the death, impoverishment, pilgrimage, &c. of a member. Regular periodical contributions are only met with at a later stage.

The rules laid down by the Gilds, and to which all men of the trade had to submit, had reference (1) partly to securing the good quality of the work, and (2) partly, like all Gild-Statutes, to the temporal and eternal welfare of their members. Both kinds of

¹ See Walter's *Deutsche Rechtsgeschichte*, Bonn, 1853, § 538, and Bluntschli's *Deutsches Privatrecht*, § 102, No. 3.

² Compare Herbert, vol. i. p. 20, note; Madox, *Firma Burgi*, pp. 194, 195.

rules were consequences of the fundamental principle of all Gilds, namely, care for the common interest by means of association. In the first kind, however, the function of the Gild, as a police authority on behalf of the public, possibly prevailed. But even in them the idea was present that by these measures they protected themselves against loss of the honour and good repute of the trade, as well as against loss of custom. The latter motive may be especially attributed to those craftsmen who, like the Weavers, worked for a more extensive market.

Wherever the Craft-Gilds were legally acknowledged, we find foremost, that the right to exercise their craft, and sell their manufactures, depended upon the freedom of their city, a fact which is sufficiently explained by the political tendencies of the Craft-Gilds. It is an exception when we find, as in the case of the Fullers of Lincoln, that strangers also were admitted on payment of special taxes to the Gild. On the Continent, after the fourteenth century, a system of reciprocity was frequently established between the several towns, as for instance in 1365 at Tournay¹.

No one was admitted to any trade, even to the lowest, or tolerated in it, whose moral conduct and honour were not stainless; no one, also, who had not proved himself a proper workman; and, therefore, no one who had not served a regular apprenticeship. The duration of this apprenticeship differed in various trades. In England it generally lasted seven years, in France from three to four, sometimes six; in Germany from two to four years. The admission of an apprentice was an act of special solemnity, corresponding to the important legal consequences it involved. As it was the beginning of a kind of novitiate to citizenship, it generally took place in the Town-hall, in the presence of the town authorities (in London, even in the present day², it is performed in the Guildhall by the Chamberlain of the City), or in solemn meeting of the Craft-Gild. On this occasion the apprentice was specially instructed in his duties, both as to his moral conduct and the trade. At last, a record of the act—the indenture—was drawn up, which also contained the special conditions under which the apprentice was placed with his master. By this admission the apprentice became a member of the family of his master, who instructed him in his trade, and who, like a

¹ Quin-Lacroix, p. 749—*Statuts des Tisserands de Tournay en 1365*, art. vi.: "Ceux qui ne sont pas de Tournay ne pourront y exercer ce métier, que dans le cas où les habitants de cette ville pourront exercer le même métier, dans celles d'où ces étrangers sont originaires."

² Compare Arundell's *Reminiscences of the City of London and its Livery Companies*, p. 162, London, 1869. For the instructions to apprentices from the sixteenth century, see Stow's *Survey of London*, Edit. 1720, p. 328. Compare too Moke, vol. i. p. 195, Berlepsch *passim*, for instance, vol. ix. p. 29.

father, had to watch over his morals, as well as his work, during his apprenticeship. At the expiration of his apprenticeship the lad (then a man) was received into the Gild again with special forms and solemnities, and became thereby a citizen of the town. On both occasions a fee had to be paid: in London it was 2s. 6d. on becoming an apprentice, and 3s. 4d. on becoming a member of the Gild.

After the care for skilful workmen, the next concern of the Gild was for the use of proper tools, and the application of well-adapted processes of manufacture. No member of the Gild was allowed to possess tools "unless the same were testified to be good and honest;" and the statutes contained directions and prohibitions, entering into the most minute details, with reference to the method of working. It was specially forbidden, in the strongest terms, to mix inferior materials with a better sort, to the detriment of the buyer, or to sell patched-up articles as new. Measures were also taken to protect the public against the spoiling of materials entrusted to the craftsmen for manufacture. Thus, the statutes of the Whittawers¹ directed the Gild-brothers to assist a member who did not know how to go on with his work, in order that it might not be spoiled. Such directions are specially frequent among the Masons², from whom customers received special guarantees for the proper completion of their work. We also find sanitary regulations with regard to the observance of cleanliness in carrying on the craft. Subject to these measures of supervision, all Gild associates were allowed to sell all articles of the trade within the town, and without any other control than that of the Gild.

Nominally, to insure the good quality of their wares, the Gild-Statutes always ordain that no one "shall work longer than from the beginning of the day until curfew," nor "at night by candle-light." But doubtless the real ground for this ordinance was rather regard for the well-being of the Gild-brothers; it was the wish to give them leisure for fulfilling their domestic and political duties, and to prevent the collective body from being forced to over-exertions by the competition of a few too zealous for gain, and from being thus deprived of every enjoyment of life. Similar considerations were also sometimes the cause of

¹ Riley's *Memorials*, p. 232. See also *English Gilds*, pp. 321 &c., 331.

² Riley's *Memorials*, pp. 280-282—Regulations for the trade of Masons. According to them, he "who wishes to undertake work in gross" has to bring forward four ancient men of his trade as security for the proper execution of the work; and they, in the event of his not fulfilling his duty, have to execute the work themselves. Compare also the Code of the Rochlitz Stonemasons of 1462, art. 3-7 (Berlepsch, vol. viii. p. 196).

long holidays; as for instance of the prohibition of the London Weavers¹ to work between Christmas and Purification-day (Feb. 2). The same considerations, supported by religious motives, caused the strict prohibition of work on Sundays and festivals, and "on Saturday or the eve of a double feast, after noon has been rung." This last ordinance, forbidding work on the last-mentioned afternoons, was common to all countries, and had its origin in a custom of the Roman-Catholic Church to solemnize the eve of festivals and Sundays by religious services². Hence it was lost at the Reformation; and it was not till lately that English workmen were able to regain their lost holiday. There were also other measures arising from this general tendency to prevent a ruinous competition amongst Gild-brothers, as contrary to the spirit of brotherhood. Their ordinances were framed for the "better relief and comodytie of the porer sorte." No Gild-associate was to entice away a brother's customers nor a brother's servant. We frequently also meet with restrictions in the number of servants and apprentices which an individual member was allowed to have. And at an early period regulations as to prices, under the supervision of the town authorities, became common. The Gild-Statutes further forbade working for a customer who was still indebted to a brother. Any member becoming poor from "adventures on the sea, or the advanced price of merchandize, or by borrowing and pledging, or by any other misfortunes," might claim to be relieved in proportion to the fraternity's funds. Even in 1723 the bye-laws of the Gild of the Joiners and Carpenters of Worcester ordained, "that where-ever any freeman buys any parcel of timber or boards coming to the city to be sold, and fit for the crafts, every freeman may have a share therein, not exceeding a third, at cost price, on request, and paying ready money, under penalty of 20s. for refusing to share³." As long as members of the Gild were out of

¹ Herbert, vol. i. p. 19. The acts and ordinances of the Company of Cutlers and makers of knives in Hallamshire prescribe in art. i. that no manufacturer, whether master, servant, or apprentice, shall perform "any work apperteyninge to the said scyence and mysterye of Cutlers" for twenty-eight days next ensuing the 8th day of August in each year, nor from Christmas to the 23rd of January; and in Art. iv., "No person occupying any wheel for the grinding of knives to allow of any work being done there during the holiday months. Penalty as before." (*Hunter's History of Sheffield*, p. 119.)

² See, on the Saturday half-holiday in England in A.D. 1303, Robert of Brunne's *Handlyng Synne*, ed. 1862. (Note by F. J. F.)

³ *English Gilds*, p. 210. Mr. Ludlow (*The Fortnightly Review*, Oct. 1869, p. 405) very truly observes: "The spirit of this rule, as well as of that of the Berwick Gild as to sharing a load of herrings with one's neighbours, is exactly the same as that of the rules of the Amalgamated Society of Engineers, requiring members who take piecework to share equally any surplus made with all members working on the job."

work, no member was to work with non-members. On the other hand, a member was always allowed to employ his wife, children, and maid in work; for the whole household of a Gild-brother belonged to the Gild¹. This led unfortunately in later times to many easings to the sons of Gild-brothers in learning the trade and acquiring the freedom of the Gild, as well as to the degeneration of the Gilds into family coteries. Another consequence of these laws was, that after the death of a Gild-brother, his widow could carry on his trade, and could remain a member of the Gild. Even if she married again a man of the same trade who was not free of the Gild, she generally² conferred on her second husband that freedom by marrying him. If, on the other hand, she married a man who did not belong to the same trade, she was excluded from the Gild during that wedlock. The same brotherly spirit gave rise also to laws forbidding insults and ill-usage among Gild-brothers; to the prohibition to appear before a court of justice for disputes about debts and other matters, unless every transaction had first been examined by the Gild-wardens, and every compromise proved impossible; and also to a series of other rules referring to their domestic conduct³ among each other, and the prevention of unneighbourly tricks. The Gild-Statutes also, in conformity with the spirit of the times, often contain sumptuary laws for the members, and especially with reference to apprentices. As the Craft-Gilds did duty also as divisions of the military forces of the town, we find in their statutes many articles⁴ referring to this matter; and

¹ This answers too the question of Mr. Toulmin Smith: "Why is he (a fuller of Lincoln) not to work at the bar in company with an ordinary woman, while he may do so with a master's wife or her handmaid?" (Note on p. 180 of his collection.) In Riley's *Memorials*, too, the rule is frequent, "that no one of the trade shall set any woman to work, other than his wedded wife and daughter" (for instance, pp. 216, 277, 547, &c.). Compare too Wilda, p. 329.

² The only exception known to me is art. vi. in the *Statuts des Poulailleurs de Paris*: "The wife of a poulterer may carry on the said mystery after the death of her husband, quite as freely as if her sire was alive; and if she marries a man not of the mystery, and wishes to carry it on, she must buy the (right of carrying on the) mystery, in the above described manner; as she would be obliged to buy the mystery, if her husband was of the mystery, and had not yet bought it; for the husband is not in the dominion of the wife, but the wife is in the dominion of the husband" ("quar li homme n'est pas en la seignorie à la fame, mès la fame est en la seignorie à l'homme").—Ouin-Lacroix, p. 747.

³ For instance, "that no man of the fraternite take his neyghbor's house y^t is of the same fraternite, or enhance the rent against the wille of the foresaid neyghbor."—Herbert, vol. i. p. 49; compare also Berlepsch, vol. v. p. 18, vol. ix. p. 21.

⁴ Wilda, p. 340. The Statutes of the *Débiteurs de bois* of Gant declare: "Tout membre qui ne se rend pas en armes sous la bannière du métier, quand les bonnes gens de Gand se réunissent en équipage de guerre, forfaira le prix de plusieurs jours de travail pour chaque fois."—Moke, vol. i. p. 196. Compare also the Statutes of the "Spinnwetter" at Bâle, 1717, Berlepsch, vol. ix. p. 21.

brilliant were the victories which some of the Gilds gained under their trade banners¹. Naturally enough, the Craft-Gilds were not deficient in that element essential to all Gilds, the common meal, which in later times was held in their sometimes magnificent hall².

The Gild, which, as we have shown, stood like a loving mother, providing and assisting, at the side of her sons in every circumstance of life, cared for her children even after death; and the ordinances as to this last act breathe the same spirit of equality among her sons on which all her regulations were founded, and which constituted her strength. In cases of insolvency at death, the funerals of poor members were to be equally respected with those of the rich.

Besides being brotherhoods for the care of the temporal welfare of their members, the Craft-Gilds were, like the rest of the Gilds, at the same time religious fraternities. In the account of the origin of the Company of Grocers³ it is mentioned that, at the very first meeting, they fixed a stipend for the priest, who had to conduct their religious services, and to pray for their dead. In this respect the Craft-Gilds of all countries are alike; and in reading their statutes, one might fancy sometimes that the old craftsmen cared only for the well-being of their souls. All had particular saints for patrons, after whom the society was frequently called; and where it was possible, they chose one who had some relation to their trade⁴. They founded masses, altars, and painted windows in cathedrals; and even at the present day their coats of arms and their gifts range proudly by the side of those of kings and barons. Sometimes individual Craft-Gilds appear to have stood in special relations to a particular church⁵, by virtue of which they had to perform special services, and received in return a special share in all the prayers of the clergy of that church. In later times the Craft-Gilds frequently went in solemn procession to their churches. We find innumerable

¹ For instance, the Journeymen-Bakers of Munich at Ampfing, 1322 (Berlepsch, vol. vi. p. 151), the Butchers of Liège at Steppes, 1213 (Moke, vol. ii. p. 66), the Furriers of Brussels at the siege of Malines, 1303 (Ibid. p. 124), above all, the Flemish Weavers at Courtrai, 1302 (Ibid. p. 146), &c. &c.

² We have an account of the Tailors' Hall in London existing already in the time of Edward III. (Herbert, vol. i. p. 87).

³ Herbert, vol. i. pp. 43-45.

⁴ For the names of the saints in certain trades, see Brand's *Popular Antiquities*, vol. i. p. 202, ed. 1841. (Note of F. J. F.)

⁵ Compare the London Saddlers (Herbert, vol. i. p. 16); but their Gild was probably a purely religious one; see also the Fullers of Lincoln and their relation to the deanery of that city (Mr. T. Smith's collection, p. 179); and the Craft-Gilds at Bâle and their relation to the cathedral (Berlepsch, vol. ii. p. 18, vol. v. p. 18, vol. ix. p. 19).

ordinances also as to the support of the sick and poor; and to afford a settled asylum for distress, the London Companies early built dwellings near their halls. The chief care however of the Gildmen was always directed to the welfare of the souls of the dead. Every year a requiem was sung for all departed Gild-brothers, when they were all mentioned by name; and on the death of any member, special services were held for his soul, and distribution of alms was made to the poor, who in return had to offer up prayers for the dead, as is still the custom in Roman-Catholic countries¹.

Sometimes we find in one and the same place a single trade, or kindred trades, organized into several Craft-Gilds; as for instance in London, two Gilds of Tanners, one without Newgate and one without Cripplegate²; and the four Weaver Gilds at Cologne in the thirteenth century³; just as is still the case with the Trade-Unions. And like the amalgamations of Trade-Unions, which are always becoming more frequent in the present day, these different old Craft-Gilds frequently amalgamated in later times; as for instance the above-mentioned four Weaver Gilds at Cologne in 1396, and the Fullers and Shearmen of London in 1527⁴. Like the Trade-Societies embracing all England, and even more, and like the early German Town-Confederations, these Gild-Unions in some trades were extended over whole countries. Thus we gather from the charter of the Tailors of Schweidnitz in 1361, that they formed a union of the tailoring trade in twenty-five Silesian towns⁵. And in the middle of the fourteenth century the various Cutlers' Gilds in Germany were united into four great fraternities, at Augsburg, Munich, Heidelberg, and Bâle, by whom all great differences, which could not be settled by the separate Gilds or their presidents, were legally decided⁶. But the most renowned of these confederations was that of the various building-lodges of Germany. It was brought about in 1452 by Dolzinger, chief-master at the building of Strasburg Cathedral; and in 1454 common statutes were discussed and passed at a general meeting at Ratisbon, and were revised and confirmed on several other lodge days. In accordance

¹ Thus, for instance, in the Statutes of the Fullers of Lincoln it is said (*English Gilds*, p. 180): "When any of the bretheren and sisteren dies, the rest shall give a halfpenny each to buy bread to be given to the poor, for the soul's sake of the dead." These alms, in order that the poor should pray for the dead, sprang from the same belief as the causing masses to be said for the souls of the departed, and there is therefore no room for Mr. Toulmin Smith's doubts and questions in his note on p. 181.

² Herbert, vol. i. p. 31.

⁴ Herbert, vol. ii. p. 654.

⁶ Berlepsch, vol. vii. p. 123.

³ Arnold, vol. i. p. 254, &c.

⁵ Berlepsch, vol. ii. p. 230.

with these statutes, four central lodges were created, Strasburg, Cologne, Vienna, and Zurich, each with a separate district. Strasburg, however, had the precedence. The overseer of the cathedral works was Grand-Master of the Stonemasons' fraternity, and according to its code, confirmed by the Emperor Matthias in 1613, he was even then still considered as "chief judge of stonework." Even in the eighteenth century the Masters of the Stonemasons' lodge at Strasburg demanded a goldfinch from the lodge at Rochlitz as a token of its dependence¹. And as late as 1789, the Vienna lodge administered justice throughout the whole of its district, awarded punishment, and so forth. This union of the workmen in the building trades was followed by others amongst kindred or technically-identical crafts, especially amongst those which, on account of the trifling demand for their wares, could not exist in small towns at all, and only in limited numbers in large towns, as for instance the Locksmiths and Sword-cutlers². The central societies were in the capitals, the branches in the small towns. Three masters in any one of the confederated towns formed a corporation, whose acts, if they were in conformity with the acts and statutes of the central society, were legally recognized by the other confederated societies. As the branch societies were subordinated to the central one, they were always obliged to send a couple of deputies to the meetings which took place at the abode of the central society; and to give there the accounts of their branches. At these meetings the common good of the Gild was discussed; and all concerns which could not be regulated by the branches were settled. Sometimes even the branches and central societies divided their money proportionately amongst themselves. The central societies of several crafts were at Nürnberg; and masters from all parts of Germany—and even from Courland and Livonia—there purchased freedom and master's credentials, and got their apprentices enrolled; as, for instance, the Combmakers, File-cutters, Brushmakers, Coppersmiths, &c.³ I would not enter into all these details, were it not for their great similarity to the circumstances of some Trade-Unions of the present day, for instance, the Amalgamated Engineers.

Though in the preceding paragraph I have spoken partly of very late times, yet one relation, namely, that between workmen and masters *before* the degeneration of the Craft-Gilds, has not yet been touched on at all. The facts recorded concerning it, before the

¹ Berlepech, vol. viii. pp. 186, 187.

² Pölitx and Bülau, 1842, vol. ii. pp. 341-343.

³ Orloff, *Recht der Handwerker*, pp. 82, 83.

middle of the fourteenth century, are extremely meagre. They consist entirely of prohibitions against engaging the servant of another before the expiration of his servitude, or so long as his former master had a claim on him; of regulations as to the number of servants allowed to a master; of punishments incurred by masters who kept back their servants' wages; and lastly, of the ordinance that all disputes between masters and servants should be decided by the wardens of the Gild. Servants' wages also were probably at that time fixed by the wardens. This slight notice of servants in the accounts of the early Craft-Gilds may however be sufficiently explained by the character of handicrafts in that age. They were for the most part merely local trades, and were mostly, if not entirely, carried on by natives of the towns, as many Gild-Statutes expressly declare. A great influx of labour, and an overstocking of the trade with hands, were therefore impossible. Moreover, the Gilds were not yet close corporations, and in the then state of handicraft a large capital to carry it on as a master was not required. And if we consider, finally, that from the frequently recurring restriction of a master to only one servant¹, a very insignificant number of them must be inferred, and that many Gild-Statutes do not even mention servants at all, but only apprentices, it appears very probable that the majority of apprentices would, as soon as their apprenticeship had expired, practise their handicraft on their own account, and that only a few would work as servants, and these merely for a time. Of a real working-class, with separate interests and ideas, there was therefore at that time no question at all. We meet with an exception to this rule only in the cloth manufactures of the Belgian towns, which were carried on on a larger scale and for an extended market. Here servants took part, as delegates of their class, even in the supervision of labour², gave their consent to the ordinances for regulating the trade, and received their pay in a definite proportion to that of their masters. In some places, as at Bruges, the servants received a real share in their masters' profits³. Even where the supervision of woollen

¹ For instance, *Statuts des Chandeliers de Rouen, rédigés en 1360*, Ouin-Lacroix, p. 589.

² Moke, vol. ii. p. 108: "A Ypres, nous voyons les valets admis à partager la surveillance du travail. Ce dernier règlement, qui date de 1280, divise ainsi les inspecteurs: il y aura dans la ville d'Ypres deux voies (c'est-à-dire deux inspections), l'inspection du nord et l'inspection du sud. Dans chacune six maîtres et trois valets."

³ Moke, vol. ii. p. 99, says, speaking of the "Anciennes Ordonnances d'Ypres" of 1280: "Voici dans quelles proportions s'y trouvent calculés les salaires du maître et du valet dans le métier des tondeurs:—

manufactures was entirely in the hands of patricians, no regulations were framed without the servants having been previously heard¹.

Such harmonious relations, however, cannot be inferred from the accounts we have after the middle of the fourteenth century; and this, it appears to me, was in consequence of the degeneration of the Craft-Gilds, which in certain places and in certain trades commenced with the fourteenth century. We must not forget that these Gilds were not unions of labourers in the present sense of the word, but of persons who, with the help of some stock, carried on their craft on their own account. The Gild contests were, consequently, not contests for acquiring political equality for labour and property, but for the recognition of political equality of trade-stock and real property in the towns. These contests, therefore, nowhere led to a participation of the masses in the government; but in the place of an oligarchy of landed proprietors, an oligarchy of capitalists stepped in². If originally the capital required for carrying on a craft was but insignificant, and was possessed by the majority of the lower classes of the townsmen, so that the possession of small capital did not characterize the Gild in a higher degree than labour, yet this state of things was changed with the advance and flourishing of trade, and the increase of riches amongst craftsmen. But in proportion as a trade advanced and acquired wider markets, it afforded greater opportunities for the employment of capital; and in the same proportion the Craft-Gild changed from a society for the protection of labour, into an opportunity for the investment of capital. But at the same time this rise in the money-power of the Gilds—and especially of the cloth manufactures—drew the villeins in masses into the towns and into the trades³. Concern for the productiveness of their investments aroused the spirit of monopoly in the craftsmen, and called forth a mul-

Le Maître.

12
10
6
26

54

Le Valet.

8
8
5
23

43

Les règlements du métier des Tisserands à Bruges (p. 14) ordonnent que de cinq deniers le maître en ait trois, le valet deux (or le maître fournissait le métier et le local).

"Plusieurs ordonnances réglementaires portent pour clause, 'du consentement des maîtres et des valets.'"

¹ Thus at Brussels, see Moke, vol. ii. p. 108.

² Arnold, vol. ii. p. 292, &c.

³ Compare Eden, *State of the Poor*, vol. i. pp. 30, 43, 57, 61.

titude of restrictions on the competition of the new aspiring families. The entrance-fees were raised; and on the Continent arose the custom of requiring a costly masterpiece from every outsider who wanted leave to carry on a craft on his own account, whilst entrance was made easy to the sons and sons-in-law of members, as well as to those who married a widow belonging to a Gild¹. At Bremen, where, it appears, shoes were made for a larger market, as early as A.D. 1300, the membership of the Gild among the Shoemakers was inherited by both sons and daughters; and every one who became master had to pay a quarter of a mark. In 1308 it was decreed in that town that whoever was not born in the Gild, must before entering it be possessed of a fortune of eight marks free of debt². At Tournay³ it became necessary as early as 1365 to forbid usurers carrying on the Weavers' trade. The capitalist character of the Gild became preponderant to such an extent, that proof of the possession of capital, or of a house in which the trade was to be carried on⁴, was frequently made a requisite for a candidate's admission. Often we find a forbiddance to carry on trade with borrowed capital⁵; and hence, even where the practice of inheriting the freedom of the Gild had not been established by the Gild-Statutes⁶, the freedom became practically hereditary on account of the difficulty of complying with the conditions for entrance. Even the requisite of spotless honour for admission was abused by the Gild-meetings in order to keep off competition, for they had the right of refusing admittance to anybody. Whole classes of persons were denied admission, as in Germany, all born out of wedlock, the sons of peasants, &c.⁷ In England also legitimate birth was a requisite of admission⁸. Besides,

¹ Ouin-Lacroix, p. 651—*Statuts des Éperonniers de Rouen en 1358*, art. xi. p. 655; *Statuts des Filassiers et Filassières de Rouen*, 1358 et 1394, art. xvi., &c.

² Berlepsch, vol. iv. pp. 32, 34.

³ Ouin-Lacroix, p. 749—*Statuts des Tisserands de Tournay en 1365*, art. ii.: "Un usurier ne pourra exercer le métier de tisserand."

⁴ Berlepsch, vol. vi. pp. 126, 127.

⁵ Berlepsch, vol. ii. p. 229—*Charter of the Vienna Tailors*, 1340.

⁶ Ouin-Lacroix, p. 740—*Statuts des Forgerons d'outre les rivières d'Orne et Aure en Normandie en 1405*, art. i.: "Nul ne forgera s'il n'est fils d'un ferron ou mari d'une de ses filles."

⁷ Berlepsch, vol. iv. p. 33; Pölitx and Bülau, 1841, vol. ii., Stock's article on *Gilda*.

⁸ See the *Constitutions of Masonry*, printed by Mr. Halliwell from the MS. Bibl. Reg. 17. A. 1, fol. 32, in the British Museum, second edition, 1844. Though these recognize the keeping of concubines by Masons, telling one,

"Thou schal not . . . ly . . . by thy felows concubynne,
No more thou woldest he dede by thyne,"—(l. 324-328)—

yet by *Articulus quintus* the apprentice is evidently to be of lawful birth:—

in this country in the fourteenth century every citizen had to swear, when he received the freedom of the City, that he would take no apprentice "but if he be free-born, (that is to say) no bondsman's son¹;" and if after he was made free of the Gild and the City, it was known that he was of servile condition, he lost his freedom². In short, in the fourteenth century commenced the transformation of the trades into entails of a limited number of families,—though this number may have been large; and the narrow-minded spirit of capital, petty rivalries, and hateful egotism began to take the place of the great idea of association and solidarity under which the Craft-Gilds grew up and flourished. Sometimes the richer craftsmen withdrew from their poorer brethren into separate Gilds, as, for instance, the Shoemakers from the Cobblers, the Tanners from the Shoemakers³; and we frequently hear of disputes among the Craft-Gilds concerning what belonged to their trade⁴. The Emperor Sigismund also complains, in 1434, in his *Secular Reformation*⁵, that membership of the Gilds had then to be "grossly bought," that in the town council the crafts followed with partiality their own advantage only, to the public detriment; and he believes that the only remedy would be their abolition. Similar abuses of the craftsmen perhaps contributed to the ordinance requiring returns as to the aims, constitution, statutes and means of the Gilds,

"The fyfthe artycul ys swythe good,
So that the prentes be of lawful blod."—(l. 147-8.)

And the apprentice of higher degree is evidently also legally born:—

"By olde tyme wryten y finde,
That the prentes schulde be of gentyl kynde;
And so sumtyme grete lordys blod
Toke thys gemetry, that ys ful good."—(l. 143-6. F. J. F.)

¹ Compare the well-known passage in the *Constitutions of Masonry* (MS. of the fifteenth century), ed. Halliwell, p. 16, *Articulus quartus*:—

"The fowrthe artycul thys moeste be,
That the mayster hym wel bese
That he no bondemon prentys make,
Ny for no covetyse do hym take;
For the lord that he ys bonde to,
May fache the prentes whersever he go.
3ef yn the logge [note the early use of the word *lodge*] he
were ytake,
Muche desese hyt myyth ther make,
And suche case hyt myyth befalla,
That hyt myyth greve summe or alle."—(l. 127-136. F. J. F.)

² Stow's *Survey of London*, p. 328, where examples are produced of citizens losing the freedom of the City in later times on account of their being born as bondsmen.

³ Berlepech, vol. iv. p. 41, &c.; Ouin-Lacroix, p. 748—*Tanneurs de Sens*, 1375, art. x.

⁴ Berlepech, *ibid.*; Riley, *Memorials*, pp. 156-162; Herbert, vol. i. p. 104.

⁵ Goldasti, *Constitutiones Imperiales*, vol. iv. p. 189, cap. iv.

in 12 Richard II., to which we are indebted for most of the documents contained in Mr. Smith's collection. At least, complaints against the Gilds were at other times the occasion for such inquiries. Thus, in the case of the London Weavers in 14 Edward II., and later in 1437, 15 Henry VI., on a petition¹ of the Commons to the king declaring that the Craft-Gilds abused the privileges granted to them by enacting ordinances hurtful to the common profit of the people; and in our time also we have seen, from the same cause, something similar in the Royal Commission on Trade-Unions. The Act which followed in consequence of the petition in 1437, the 15th Henry VI. c. 6, 7, ordained, besides the returns just mentioned, "that they [the Gilds] should not make or use any ordinance in disparity or diminution of the franchises of the king or others, or against the common profit of the people, nor allow any other ordinances without their being first approved and enrolled before such Justices of the Peace, and that the same should be by them afterwards revoked and recalled, if not found to be wholly loyal and reasonable," &c.

The last-mentioned restrictions in the Craft-Gilds at a time—the middle of the fourteenth century—when the villeins were rushing in great numbers into the towns to take up trades, must have prevented a great number, and in several trades the majority, of workmen, from themselves becoming independent masters; and thus there arose a real working-class, with separate views and interests. Whilst the statutes before the fourteenth century frequently do not even mention the workmen, after the middle of the fourteenth century it became absolutely necessary to regulate their relations to their masters. Above all things, the provisions for the settlement of disputes between masters and workmen which recur in all countries, are striking, as well as the care that both masters and workmen should fulfil their obligations to each other. The deciding authorities were here always the wardens of the Gild. Masters who withheld from the workmen the wages to which they were entitled were compelled to pay by the Gild authorities². On the other hand, "if any serving man shall

¹ Herbert, vol. i. pp 106, 107.

² Riley, *Memorials*, p. 306—Articles of the Alien Weavers, 1362: "If any workman has served his alien master by the day or by the week, and the said master will not pay the workman for his work, according as they shall have agreed, the good folks who shall be ordained or sworn to keep and rule the said trade, shall have power to forbid the said master to be so daring as to work at the said trade until he shall have paid his workman what he is bound to pay him. And if he shall do the contrary, and be convicted thereof, let him pay to the chamber the penalty that is underwritten." See also *Ibid.* p. 512—Ordinances of the Founders, 1389, and others. The Gild-Statutes of the Continent show the same fact, for

conduct himself in any other manner than properly towards his master, and act rebelliously towards him, no one of the trade shall set him to work until he shall have made amends before the mayor and aldermen, and before them such misprision shall be redressed¹. In the case of the Tailors of Vienna the rule became necessary that "no workman shall be allowed to leave his master fourteen days before a festival," that is, at a time when there would be the greatest demand for work². Among the Tailors of Silesia we find that in 1361 the system of journeymen travelling in search of work was already completely organized³. Some of the Continental statutes—probably with the object of restricting competition—made it a requisite of mastership that every one should have worked as a journeyman for a certain number of years⁴. Moreover, all journeymen were strictly forbidden to work on their own account⁵; and, where they were allowed to marry, their wives were forbidden to work⁶. These workmen had also frequently to become members of the Gild, and had to pay contributions⁷. But a great difference was evidently made between the workman who had no prospect of becoming a master, and the apprentice who took to the trade with that view⁸. Besides also, we meet with beneficent regulations in favour of the workmen. Thus, for instance, the articles of the Braelers⁹ decree: "If any serving man of the said trade, who has behaved himself well and loyally towards his masters whom he has served, shall fall sick, or be unable to help or maintain himself, he shall be found by the good folks of the said trade until he shall have recovered and be able to help and maintain himself."

instance, Ouin-Lacroix, p. 748—*Statuts des Tailleurs de Montpellier en 1351*, art. xi.: "Si quelque maitre ne faisait pas justice à ses ouvriers en leur refusant leur salaire, il sera tenu de les satisfaire à l'arbitrage des maitres." Art. xii.: "Si quelque ouvrier obligé envers quelqu'un des maitres, ne voulait s'acquitter à l'arbitrage des autres maitres, nul des maitres ne lui donnera plus d'emploi." See also *Ibid.* p. 740—*Statuts des Forgerons, &c., en Normandie, 1405*, art. i., and many other Gild-Statutes.

¹ See Riley's *Memorials*—Ordinances of the Whittawers, 1346 (p. 23); Braelers, 1355 (p. 277); Founders, 1389 (p. 512); Brasiers, 1416 (p. 624), &c.

² Berlepsch, vol. ii. p. 22.

³ *Ibid.* pp. 230–233.

⁴ See, for instance, Ouin-Lacroix, p. 735—*Statuts des Boulangers d'Arras en 1372*, art. i.

⁵ See, for instance, Ouin-Lacroix, p. 748—*Tailleurs de Montpellier en 1351*, art. xiii.

⁶ For instance, Ouin-Lacroix, p. 584—*Cardiers de Rouen en 1397*, art. xii. p. 675; *Gatniers de Rouen en 1402*, art. xiii.

⁷ See Riley's *Memorials*, p. 547—Articles of the Leathersellers, 1398; Ouin-Lacroix, *Tailleurs de Montpellier en 1351*, art. ii.

⁸ For instance, Riley's *Memorials*, p. 570—Articles of the Bladesmiths, 1408: "And that no one of the said trade shall teach his journeymen the secret of his trade, as he would his apprentice, on the pain aforesaid."

⁹ Riley's *Memorials*, p. 277.

The plague of 1348, and the consequent depopulation, brought the opposition between the interests of the working-class and the employers for the first time on a large scale to a crisis. As the clergy took advantage of the small number of those who could say masses and prayers in conformity with the intentions of the faithful in order to increase their fees, and as merchants and tradesmen took advantage of the small supply of wares to raise their prices, in like manner the workmen endeavoured to use, for a general rise in wages, the distress into which the propertied class had been plunged through the universal dearth of labour. The consequences of this were the notorious Statutes of Labourers (23 and 25 Edward III.), in which it was ordained for workmen in general, but especially for agricultural labourers and those employed in the building trades, that no workman should take more, and no employer should give more, than had been customary before the plague. It has become the fashion in our time to represent these wage-regulations as a policy contrived for the oppression of the labourer, and this especially in explanations to working-men asking for legal regulations of wages,—as they frequently did towards the end of the last century and in the beginning of the present,—of the superior value of modern legislation for the working-class. To give such a character to these statutes is however, in my judgment, a complete misrepresentation of the real state of the case. These regulations of wages were but the expression of the general policy of the Middle Ages, which considered that the first duty of the State was to protect the weak against the strong, which not only knew of rights, but also of duties of the individual towards society, and condemned as usury every attempt to take unseemly advantage of the temporary distress of one's neighbour¹. According to Knighton, there existed at the time of the plague such distress and such general loosening of the bonds of society as is only to be found in the descriptions of earthquakes in South America. Whole villages died out; houses fell into ruins; nobody would work except for enormous wages. In consequence of this, whole flocks perished for want of herdsmen, and the corn-crops, which were unusually rich that year, perished on the ground, as no reapers could be found. All existing relations threatened to become dissolved. To this was added an incursion of the Scots; and then the king, in order to bring something like order into the chaos, and to save the State and society from destruction, issued the ordinance which compelled the labourers to

¹ From this policy sprang indeed all mediæval price-regulations of wares, and especially of provisions, as well as the severe punishments and the frequent and well-meant, though mistaken, prohibitions of the engrossing of goods to re-sell them at higher prices in times of dearth.

work for fixed wages. In order to have something like a fixed standard, he naturally reverted to the scale of wages which existed before the plague. But ordinances of this kind were by no means directed against the labourers alone, for similar measures struck at all who in a similar spirit of usury would enrich themselves from the general misery, like those clergy who claimed larger fees for their prayers and masses, and like those merchants and tradesmen who raised the price of their goods. The purpose of the law, to protect especially the weak, may also be seen in the punishments which the rich incurred who paid higher wages, thereby raising the general rate, and thus preventing poorer men from hiring labourers¹. However much this policy must be condemned as unwise from an economical point of view, yet surely to render it suspected, as is the pharisaical wont in our days, is miserable; for at all events its basis is more moral than ours, when we give up our workmen without protection to their employers, and they have to choose only between the conditions of their masters and the workhouse or starvation.

In the towns the plague produced the same consequences as in the country, and accordingly, in 1350, we meet with a regulation by the mayor of London, of wages and prices in all trades in the City². Likewise, in the ordinances of the Craft-Gilds agreed upon after the plague, we invariably find the rule that nobody "shall take for working in the said trade more than they were wont heretofore³." And when, in the year 1362, a tempest caused fearful ravages amongst the roofs of houses, there was issued a "Royal order, that materials for roofing, and the wages of tilers, shall not be enhanced *by reason* of the damage done by the late tempest⁴;" an order whose title alone confirms my statement as to the motives of these laws. These endeavours of the labourers to raise wages of course showed themselves first and most strongly in the trades in which, as in the cloth manufactures⁵, the new development had progressed the farthest, and in which there existed a large working-class. Thus we find, in the year 1350, a petition⁶ from the Master-Shearmen to the City authorities of London, in which they complain that they could no longer have journeymen at the same rate of wages as formerly; that "now the men will not work otherwise than by

¹ See Knighton's Chronicle in *Historie Anglicane Scriptores decem*, pp. 2599-2601. Londini, 1652.—Consult generally on the Black Death of 1348, Mr. Seebohm's excellent series of articles in the *Fortnightly Review* about two years ago.—F.

² Riley's *Memorials*, p. 253.

³ For instance, Riley, pp. 245, 292, 330, &c.

⁴ *Ibid.* p. 308.

⁵ In later times a Truck Act was also first required for the cloth manufacture, that of 4th Edward IV. c. 1 (1464-5).

⁶ Riley, p. 251.

the cloth, and then so greatly hurry over the same, that they do great damage to the folks to whom such cloths belong ;” and that therefore the old customs should be re-established under penalties. One of their ordinances in the same year¹ shows that the journeymen in disputes between a master and his workmen had “heretofore” already availed themselves generally of strikes as a means of procuring satisfaction for their fellow-workers ; it was therefore “ordained that from henceforth, if there be any dispute moved between any master and his man in the said trade, such dispute shall be settled by the warden of the trade.” If the workman did not submit to the warden, he was “to be punished by the mayor and aldermen at their discretion.” The statutes of the Alien Weavers of 1362² contain the same enactment verbatim.

Accounts at that time of strikes in the building-trade are particularly numerous ; and this is easily explained by the peculiar circumstances of this trade, which differed from all others. The trade appears to have been of a twofold kind. When cathedrals and palaces were built, there was but one master—the architect of the present day. Between him and the workmen there were masters and foremen answering to the masters and foremen of modern factories³. The “lodge”⁴ itself of the architect was very similar to our factories ; it consisted of one or more workshops in which the workmen worked together ; and the part of the Code of the Rochlitz Stonemasons referring to the workmen, bears a perfect resemblance, *mutatis mutandis*, to our factory rules⁵. In the building of dwelling-houses, however, it appears to me that the owner himself conducted the work, that he engaged both masters and workmen, and that the masters stood to him in the same intermediate position as the foremen above mentioned. Hence we find in the legal regulation about wages, special directions how much wages the masters in the

¹ Riley, p. 247.

² Ibid. p. 306.

³ See in Berlepsch, vol. viii. pp. 194–209, the Code of the Rochlitz Stonemasons of 1462, which was formed after that of Strasburg ; also Ovin-Lacroix, p. 227, &c.

⁴ The German word is “Hütte.” It meant as well the workshop as the place of meeting, which in those days were identical.—The seemingly different meaning of the word *lodge* in early (as in modern) England has been noticed above, p. cxxxix, note 1. Compare too from the same *Constitutions of Masonry*, p. 22, of the apprentice’s duty :—

“The prevystye of the chamber telle he no mon,
Ny yn the *logge* whatsoever they done ;
Whatsever thou heryst, or syste hem do,
Tell hyt no mon, whersever thou go.”—(l. 279–282. F. J. F.)

⁵ Berlepsch, vol. viii. pp. 204–209.

building trades were to receive¹; and it was frequently defined how much the master might retain of the wages which were paid to him for the workmen², or that he should deduct nothing for himself³. Sometimes also they undertook such buildings in gross, i. e. by contract⁴, as is proved by the statutes of the London Masons of 1356. Thus these old building-trades show a great similarity in their institutions to those of our modern Great-Industry; there were fewer persons who carried on the trade on their own account, and a greater number of dependent workmen, than in the other trades; and the last-mentioned ordinances point to relations, such as are still greatly abhorred by workmen of the present day. Naturally, those relations led then to the same differences between workmen and their employers as they lead now. Thus in England the "Royal mandate as to the workmen who have withdrawn from the works at the Palace of Westminster⁵" tells us of a strike amongst the workmen in the building-trades; and the two laws enacted there in the Middle Ages against combinations, congregations, and chapters of workmen, the 34th Edward III. c. 9 and 3rd Henry VI. c. 1, were directed against workmen in the building-trades only⁶. Moreover, the peculiar position of these trades is indicated by the fact that all the legal regulations of wages in the Middle Ages which are cited by Eden⁷, refer—by the side of agricultural labourers—exclusively to the workmen in the building-trades. About this time also there sprung up in the building-trades in France the "compagnonnage," and for centuries it existed among workmen only employed in these trades⁸.

Though the combinations and Trade-Unions in the building-trades of that age may be explained by the altogether peculiar circumstances of these trades, and though they must therefore be considered as an exceptional phenomenon, yet, on the other hand, the rise of a class of journeymen with special interests and views must have necessitated and called forth an organization of

¹ See Riley, p. 253—Wage-regulations of the City of London; also the 25th Edward III. c. 2, as well as the 34th Edward III. c. 9.

² Berlepsch, vol. viii. p. 171.

³ Ibid. p. 197, art. 9.

⁴ Riley, p. 281.

⁵ Ibid. p. 271.

⁶ Compare, too, the Ordinances of Worcester, art. 57 (Mr. Toulmin Smith's collection, p. 397). The Act of Henry VI. (A.D. 1424-5) mentions "the yearly congregations and confederacies made by the Masons in their general chapters assembled."

⁷ Eden, *State of the Poor*, vol. i. See also Riley, *Liber Albus*, pp. 251, 288.

⁸ See Simon, *Étude historique et morale sur le Compagnonnage*, Paris, 1853, p. 90, and others. This term meant originally, says the *Dict. de l'Académie*, "the time during which a young man who had finished his apprenticeship worked at his master's before he could set up for himself. It is used now for the union of artisans in different associations." The latter is the sense in which it is employed in the text.

them. Accordingly, we meet on the Continent about this time with special fraternities of journeymen, which were formed after the model of the fraternities of craftsmen, just as the Craft-Gilds were after that of the Town-Gilds. Their statutes refer to common divine service at stated times, to common meals—with a multitude of directions about maintaining order on these occasions and at other meetings—to burials, to support and nursing of the sick, to entrance-fees, contributions, &c. Every journeyman of the trade in a town had to belong to it. We also find directions for the journeymen to do their duty faithfully to their masters, and inculcations of the rules of the Craft-Gild, as, for instance, that no one should summon another before a court of justice until a compromise had been first attempted before the wardens of their own journeymen's fraternity, and next before those of the Masters' Gild. For these fraternities appear generally as supplements to the Masters' Gilds, providing only especially for the social and religious wants of their fellow-members of the journeyman class. They were therefore recognized by the Masters' Gilds, and even established by their consent. Thus the Journeymen-Bakers of Copenhagen¹ founded, in 1403, a Gild in honour of St. Catherine; and we have still the ordinances of the Journeymen-Bakers at Hamburg from 1481². Many others, no doubt, existed besides. In London also the same wants led the journeymen to form the same organizations. But here the City authorities were evidently afraid of the workmen abusing their unions as a means of raising wages. At least, in 1383 they issued a proclamation³ forbidding all congregations, covins, and conspiracies of workmen in general; and when, in 1387, three journeymen cordwainers, wishing to found a fraternity, combined with a Friar Preacher, in order that he might obtain for them a confirmation from the Pope, and thus secure them against the last-mentioned prohibition of the City, they were pounced down on, and carried off to Newgate, under the powers of the said proclamation, before their plan could be carried out⁴. A record of 1396 shows the existence of a religious fraternity of the serving-men of the Saddlers, "called yomen⁵." They had their

¹ Wilda, p. 343.

² Riley's *Memorials*, p. 480.

³ Berlepsch, vol. vi. p. 125.

⁴ *Ibid.* p. 495.

⁵ Mr. Riley observes in a note to this word, that "it possibly may have been intended as an abbreviation of the words 'young man,' equivalent to *garcio*, and *valettus*." I have no doubt that this is the right explanation of the word. The 20th Richard II. s. 1 speaks of "varlets called yeomen." The word is identical with the German: *Geselle*, *Junggeselle*. *Junggeselle* means bachelor, a word which was very often used for yeoman; see, for instance, Herbert, vol. iii. p. 652. The reason for calling the journeymen of the craft yeomen and bachelors, was probably that they were at that time in England, as was the case in Germany, not allowed

own livery, and six governors; and had, in 1396, existed thirteen years. But as the Masters were of opinion that this fraternity might be made the means of raising wages, it was, at the Masters' request, suppressed by the City authorities¹. The same fate befell, in 1415, the brotherhood of "yomen tailours," who in like manner wore a livery, had their meetings and religious services, and lived in houses in common². However, in spite of this attempt at suppression, the brotherhood continued to exist; for in 1417 they petitioned the City authorities to allow them to hold religious services for the souls of their departed fellow-members on the feast of the Beheading of St. John the Baptist (August 29), and "to do other things which theretofore they had been wont to do." We have no account as to the result of this petition, but it was most probably refused.

As a substitute for these attempts to form an independent organization of the journeymen class, the City authorities always decreed, as in the above-mentioned case of the Shearmen, "that the serving-men in the trade aforesaid should in future be under the governance and rule of the masters of such trade, the same as the serving-men in other trades in the same city are wont, and of right bound, to be." To this was added, for their protection, this precept, "that the said masters must properly treat and govern their serving-men in the trade, in such manner as the serving-men in like trades in the city have been wont to be properly treated and governed;" and at the same time the means of appeal against the decisions of the Gild-masters is given to the workmen; for it is ordained: "And that if any serving-man should in future wish to make complaint to the Mayor and Aldermen, for the time being, as to any grievance unduly inflicted upon him by the masters aforesaid, such Mayor and Aldermen would give to him his due and speedy meed of justice as to the same³."

From the wording of these decisions, as well as of the regulations referring to workmen in the above-mentioned ordinances of the Shearmen, one might infer that the workmen in the just-named trades had not yet been under the control of the Gild-masters. But this is contradicted by the fact that in other cases the workmen were at that time generally subject to their authority; as well as by the fact that the City authorities in the year 1415 expressly reproached the wardens of the Tailors' Gild that societies

to marry before they were masters. (On the other hand, we must recollect that Spelman, and Wedgwood after him, hold the true derivation of *yeo-* to be the Gothic *gavi*, Fris. *gao*, *gae*, a district, county, village, whence Fris. *gaeman*, a villager.—F.)

¹ Riley's *Memorials*, p. 542.

² Ibid. p. 609.
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³ Ibid. p. 542.

existed among their workmen, though those workmen were subjected to the wardens' control. It is possible, however, that in certain trades, and especially in those trades in which—as in the cloth-manufacture—there was a large working-class, the workmen, who themselves had no prospect of ever becoming masters, had up to that time not become apprentices, and did not therefore belong to the Gild; and that they were now for the first time subjected to the authority of the Gild-masters. Perhaps the following enactment of the Leathersellers refers to this: “That *from henceforth* no one shall set any man, child or woman, to work in the same trade, *if such person be not first bound apprentice, and enrolled in the trade*; their wives and children only excepted¹.”

It appears, however, that the way in which the affairs of the yeomen were regulated by the masters of the Craft-Gild, to which the yeomen now belonged as freemen on the expiration of their apprenticeship, satisfied their wants on the whole; for from thenceforth we know of no further accounts of such fraternities in London. From two laws of Richard II. one may infer that fraternities of this kind existed in other parts of England; for one of these laws enacts, “that no varlets called yeomen” should wear liveries; the other, “that no livery should be given under colour of a Gild or fraternity, or of any other association, whether of gentry or *servants*, or of commonalty².” The ordinances of the Gild of the Tailors at Exeter in the time of Edward IV. show, moreover, that the servants there belonged to the Gild; but the ordinances speak also of a “*fleeshyppe* of the Bachelerys³,” which was probably a fraternity like that of the Journeymen-Bakers at Copenhagen, which we have already referred to; and it probably stood in the same relations to the Craft-Gild. But to this fellowship there belonged also “*schoppe-holders*,” probably such as had become masters and had not yet married. One instance that masters and wardens of Gilds really protected workmen against their masters, is furnished by the “*Examples of the Control by the Gild*” contained in Mr. Toulmin Smith's collection. In the Gild of the Cordwainers of Exeter a certain number of wardens was even regularly taken from the journeymen⁴.

The degeneration of Craft-Gilds—which began, as has already been shown, so soon after they had obtained independence and authority in trade matters in the towns—progressed, after it had

¹ Riley's *Memorials*, p. 547—Ordinances of the Leathersellers, 1398.

² Herbert, vol. i. p. 60. Compare also Eden's *State of the Poor*, vol. i. p. 597, note.

³ Mr. Toulmin Smith's collection, p. 313.

⁴ *Ibid.* p. 322, No. 6.

⁵ *Ibid.* p. 332.

once begun, with increasing rapidity. In the fifteenth century the capitalist quality of the craftsmen becomes more and more prevalent among the requisites for obtaining membership; and ever more numerous become the restrictions by which they endeavoured to seclude themselves, and thus to make the handicrafts the monopolies of a few families. But this was even more the case in the following centuries, and therefore Lord Bacon, speaking of these Gilds, justly describes them as "fraternities in evil."

Accordingly we find in 1503, in 19 Henry VII. cap. 7, a repetition of the restrictions on the "masters and wardens from making any new bye-laws or ordinances concerning the prices of wares and other things, for their own singular profit, until first examined and approved of by the Lord Chancellor, Lord Treasurer, or King's Justices," restrictions which had been attempted in vain, as it appears, by 15 Henry VI. cap. 6. But as the corporations, again acting contrary to this law, arbitrarily raised the entrance-fee of apprentices to 40*s.*, the Act 22 Henry VIII. cap. 40 (A.D. 1530) fixed it again at 2*s.* 6*d.* on becoming an apprentice, and at 3*s.* 4*d.* on obtaining the freedom of the Gild. In 1536 it became even necessary to pass a law (28 Henry VIII. cap. 5) forbidding the masters of the corporations to take an oath from the apprentices that they should not carry on the trade on their own account without the masters' consent; and also forbidding them to exact sums of money for granting the freedom of the Gild. How little these laws availed against the selfish endeavours of the Craft-Gilds to prevent apprentices from becoming masters, and thus diminish competition, is shown in the account by Stow (edition of 1720, p. 329): "It was a great matter in former times to give £10 to bind a youth apprentice; but in King James I.'s time they gave £20, £40, £60, and sometimes £100 with an apprentice. But now these prices are vastly enhanced to £500, or £600, or £800." In agreement with this is the account that Cromwell granted the Grocers a charter, by which they were empowered to levy a fine of £30 on a member at his admission¹. The ordinances of the Cutlers of Hallamshire², of the sixteenth century, and of the Framework-knitters³, of the seventeenth, show moreover, in the privileges enjoyed by the children of Gild-members, the same tendency to make the trade hereditary which prevailed among the Craft-Gilds on the Continent.

Though the last sums mentioned by Stow probably merely refer to the twelve great companies, yet the general laws under

¹ Herbert, vol. i. p. 183.

² Hunter's *History of Sheffield*, p. 119.

³ *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

Henry VIII., which have been quoted, point to such great difficulties hindering apprentices in all trades from becoming masters, that we can easily understand why they were so exasperated against strangers, who, specially allured and favoured by kings, could carry on their crafts without these hindrances. This exasperation led to repeated insurrections of the apprentices, the first on Evil May-day 1517; another in 1586, against those foreign tradespeople who for the sake of religion had sought refuge in England¹; and in 1641 it gave rise to a petition from the apprentices to Parliament for measures against the strangers, who took away all their prospects of independent settlement, whilst they themselves had to struggle with so many hindrances².

In Germany also, after the sixteenth century, ordinances against the abuses of the Craft-Gildmen are met with regularly in the laws of the Empire³, and especially against the exclusion of whole classes of persons from the Craft-Gilds on account of pretended infamy of birth. On admission to the Craft-Gild, real proofs of nobility—just as in the case of collegiate chapters—had to be furnished at the examination whether a candidate was worthy by his birth of the Gild or not⁴. In the ordinances of individual German States we meet with similar enactments against the heavy expenses on the admission of apprentices as we do in England, and which were followed by similar results⁵. As the apprenticeship did not last seven years, as in England, but only from two to four years, the Craft-Gilds, in order to diminish competition, laid the journeymen under the obligation of travelling, sometimes for five years⁶. Moreover, after the end of the fifteenth century, the making of a masterpiece became a requisite for the right of the independent exercise of a craft. This was a very costly article, and, after all, unsaleable, as the things required

¹ Stow, ed. 1720, p. 333.

² *The Apprentices of London Petition presented to the Honourable Court of Parliament, 1641* (British Museum): "And first we beseech your honours to take into consideration the intolerable abuse of our apprenticeship: for where we by coercion are necessarily compelled to serve seven or eight years at least, before we can have the immunity and freedom of this city to trade in: those which are mere strangers do snatch this freedom from us, and pull the trades out of our hands, so that by these means, when our times are fully expired, we do then begin in a manner to suffer a second apprenticeship to them, who do thus domineer over us in our own trades," &c.

³ *Reformation guter Polizei zu Augsburg*, 1530, tit. 39; 1548, tit. 36, 37; *Recessus Imperii*, 1551, §§ 83, 84; 1559, §§ 75–80; 1566, § 178; 1570, § 152; *Reichspolizeiordnung*, 1577, tit. 15, 37, 38; *Recessus Imperii*, 1594, §§ 125–127; 1654, § 106; *Conclusum Imperii*, 1731.

⁴ See Stock's article on Gilds in Pölitz and Bülow, vol. ii. 1841.

⁵ See Berlepsch, vol. ii. p. 235.

⁶ Ibid. vol. vi. p. 119.

were frequently altogether useless¹. Moreover, in spite of ordinances of individual German States to the contrary, the most luxurious inaugural dinners² were required, so that the few who found it possible to become masters, generally commenced business in debt. The sons of masters, however, were exempt³ from all these restrictions, from the appointed term of apprenticeship and the travelling, as well as the masterpiece. Indeed, the tyranny of these family-clubs extended itself to the most intimate relations. Whilst the journeymen were generally forbidden to marry⁴, the masters were required to be married⁵; and sometimes the candidate for the mastership was even obliged to point out an "honourable and virtuous" maiden as his future wife⁶. The descent of the bride or wife was then subjected to the same examination as that of the craftsman himself; but if the latter resolved to marry the daughter or widow of a master, special favours were in store for him. Corporations frequently traded with their freedom⁷, and the latter was often attached to particular houses. Stock says very justly indeed: "A merchant's shop, a brew- or bake-house, a stall in the shambles, the workshop of a smith or shoemaker, resembled a prebend; they were only more difficult to obtain; but they were also worth more than the latter, because they were hereditary⁸." In France also the Craft-Gilds, after the middle of the fifteenth century, hardened into the same narrow-mindedness as in England and Germany, with the same favours to the sons of masters as regards the term of apprenticeship and of travelling, entrance-fees and masterpieces, so that as early as 1614 the Third Estate desired the suppression of these Gilds.

The transformation of the Craft-Gilds into societies of capitalists, exercised of course also an influence on their government; and it appears altogether natural when, in the sixteenth century, we see that government entirely transferred into the hands of the richer Gild-Members. The Gild-Members were at that time in England divided into three classes: the livery, to which the richer masters were admitted; the householders, to which the rest of the masters belonged; and the journeymen belonging to the Gild, who were simply called "freemen," sometimes also "yeomanry" or "bachelors." Instead of the former sovereign meeting of all Gild-Associates, there now appeared a "Court of Assistants," who governed the Gild and enacted its ordinances,

¹ Pölitz and Bülow, vol. ii. p. 121 (1841); Berlepsch, vol. ii. p. 239. In England also masterpieces were sometimes required; see, for instance, the bye-laws of the Company of Framework-knitters; *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

² Berlepsch, vol. vi. p. 128.

³ Ibid. vol. iv. p. 77.

⁴ Ibid.

⁷ Ibid.

⁶ Ibid. vol. iv. p. 52.

⁸ Pölitz and Bülow, vol. ii. p. 125 (1841).

⁵ Ibid. p. 127.

The first legal appointment of a Court of Assistants is met with under Philip and Mary¹. After the time of James I., the transfer of the elective franchise from the "*communitas*" to the courts of the companies became general in the charters; and in this manner, what had hitherto existed merely on sufferance became legal. The king appointed the first members of the court for life. As these withdrew or died off, the court itself filled up the number from former Masters and Wardens. But these it likewise chose from amongst the liverymen. To the rest of the Gild-Members, election-day briefly meant the day on which they assembled in the Gild-hall to hear the names of the elected proclaimed². An oath was also introduced for all members, in which they swore to obey the Master and Wardens and their ordinances³. Refractoriness towards the Gild, violation of its laws, refusal to accept office if elected,—these were punished as formerly. The charitable regulations also remained the same as in former times.

The transfer of the centre of force from the Meetings of all the Gild-Associates to the Court of Assistants was not always effected without opposition from at least a part of the members, as is proved by a pamphlet of the year 1649 on the Constitution of the Clothworkers' Company, the successors of the old Weavers' Gild⁴. According to this pamphlet, a part of the Gild-Associates, relying on the old charters of the Gild, appear to have claimed for the whole body of the Gild-Members, both the right of electing their Wardens, as well as of framing ordinances. Against this the said pamphlet endeavours to prove, with the most arbitrary misrepresentation of the sense and the words, that the word "*commonalty*" in the old charters meant, not the collective body of Gild-Members, but only the Master, Wardens, and Assistants. A glance at the charters shows at once the untenableness of this assertion⁵. The transfer of the supreme authority rested rather, as it seems, on ordinances of the Gild. However, the democratic party failed in their endeavours.

¹ Herbert, vol. i. p. 118.

² Ibid. vol. ii. p. 652, &c.

³ Ibid. vol. i. p. 188, &c.

⁴ One copy of this pamphlet is in the Corporation Library, Guildhall, and two copies in the British Museum. In all three the title is wanting. One of them is in the collection of pamphlets of the year 1649 given by George III. to the Museum, and has attached to it a sheet of writing-paper, on which is written in ink: *Chitwin's Collections of ye Company of ye Clothworkers Priviledges, Aug. 1649.*

⁵ *The Charter of the Company of Clothworkers of London*, London, printed in the year 1648 (British Museum).—During my stay in London, the same struggle was going on in the Watermen and Lightermen's Company between the masters and the men, the latter being represented by the Thames Working-Lightermen and Watermen's Protection Society, as I was informed by the Secretary of this Society.

The possession of large capital, which became more and more a requisite for the independent exercise of a trade, would impair more and more the prospects of workmen becoming masters, and would call forth an ever-increasing antagonism between the interests of workmen and masters¹. It is evident that, under these circumstances, special laws and organizations became necessary for the workmen. In Germany, where the Craft-Gilds were governed as in England, by one master and eight councillors,—except that in Germany the government did not degenerate into such an oligarchy as in England, because the collective body of Gild-Members always elected the governors,—we meet with such organizations in connection with the system of the travelling of journeymen which had become obligatory since the sixteenth century.

It was a difficult task to live in a large town, in a foreign land, with a very scanty supply of cash, until the wandering journeyman had convinced himself, after many inquiries, whether there was work to be had in the place. At the same time it was a matter of importance to the masters living in a town to have the means of finding out whether there were journeymen in search of work, so that in case of necessity they could at once obtain hands for their workshop. Both these wants were met when the host (*Herbergsvater*, father of the inn) appointed to the charge of the house of the Gild (the so-called *Herberge*, inn) was obliged to take in every one who could furnish proof that he was a journeyman of that particular craft. When, then, a travelling journeyman arrived, who wanted work, the host was able to give him the necessary information, for there was in the house a list of all the masters who were in want of journeymen. If several masters had asked for men, he who was first on the list received the first journeymen who arrived; but the master who had more journeymen, had always to give place to him who had fewer in his workshop. Sometimes a special master or a journeyman was appointed by the Gild to look out for work for the wandering journeymen². If the journeyman found no work, he received in various crafts (the so-called *geschenkten*, donation-giving ones) a sum of money to support him on his journey to the next town, which was called the donation (*das Geschenk*): this came not merely from a fund which the journeymen had formed amongst themselves for that purpose, but the masters also contributed towards it³. There are a series of ordinances referring to cases

¹ The true employer's spirit is already to be seen from the pamphlet, *Relief of Apprentices wronged by their Masters*, London, 1689 (British Museum).

² Already ordained by the *Reformation guter Polizei*, 1530, tit. 39.

³ Berlepech, vol. iv. pp. 73. 74.

in which a journeyman was to forfeit the donation; and as the Imperial laws¹ which at first forbade altogether the giving of donations (on account of the abuses connected with the system) had no effect, they were contented with restricting it.

In the more important trades in Germany this system of travelling led to the formation of special fraternities of journeymen, which so strikingly resemble the Trade-Unions, that a description of them may be of interest. The following account is derived principally from the Statutes² of the "Shoe-servants"³ of Arnstadt in Thuringia in the year 1628. As the Introduction informs us, these rules were ordained at the request of the masters of the Shoemakers' Guild of that town. It narrates that of old the Shoe-servants had a fraternity, imposts, and some Articles; but that since these had fallen into abeyance, and the Articles had been destroyed in the great fire, the masters had decided "to get some new Articles confirmed, especially as in these evil, unquiet, and perverse times it was highly necessary to establish and maintain sound discipline and honesty in the crafts." In the first place, an inn was established, where all wandering journeymen had to turn in. The host was called Father; the housewife, Mother; the daughters and maid-servants, Sisters; the sons and servants, Brothers⁴. To call them otherwise was an offence for which there was a fine. The greatest reverence had to be paid to the Father and Mother. In this inn the Shoe-servants could obtain a meal for two *groschen* ($2\frac{1}{2}d.$), and a night's lodging for four *pfennige* (about a halfpenny). Work was also found for him here; and no wandering Shoe-servant was allowed to enter the service of a master before he had been at the inn. The fraternity was governed by the whole body of Shoe-servants, who met every fortnight for this purpose. Religious service was held before every meeting. All Shoe-servants had to attend the meeting, with the exception of masters' sons who worked with their own father; for as they were not obliged to travel, the chief object of the fraternity did not concern them. But masters' sons who did not work with their father were obliged to appear. Those who came late were fined. Two elders presided at the meetings. But no meetings could take place, no regulations could be framed, and no decisions come to without the

¹ See the *Reformation guter Polizei*, just mentioned, and *Conclusum Imperii*, 1731, § 7.

² Berlepsch, vol. iv. pp. 67-72.

³ The German word is "Schuhknechte," i. e. shoe-servants. The journeymen Shoemakers were thus called in Germany up to the year 1799, when, at Nürnberg, they first got to be called "Geselle" (Berlepsch, vol. iv. p. 67).

⁴ For the identical way of naming amongst the French "*Compagnonnage*," compare Simon, *Étude sur le Compagnonnage*, p. 154.

presence of the masters' deputies, who were elected annually. The journeymen had also their own box, containing their Articles, their seal, and whatever other documents or valuable effects the fraternity possessed. The box was provided with two, and sometimes with three, locks, the keys of which were kept respectively by one of the elders and one of the masters, so that neither could open the box in the absence of the other. The seal of the journeymen could only be used with the consent of the whole fraternity and the deputed masters. The opened box was the sign that the meeting had begun, just as with the Craft-Gilds. While, therefore, the box was open, all present had to remain with uncovered heads, and during such time all disrespectful conduct, as well as improper clothing, cursing and swearing,—in short, all that showed want of respect,—was severely punished. On the other hand, we find that, whilst the box was open, a social cup was handed round, to the expense of which all had to contribute. One of the elders had to collect this, as well as the other contributions; and in case he neglected this or any other duty, he incurred punishment. The other contributions of the members consisted in one *groschen* ($1\frac{1}{4}d.$) entrance-fee, in a fortnightly contribution of six *pfennigen* (about three farthings), with one *groschen* ($1\frac{1}{4}d.$) every quarter. In return the members received support in sickness, for which, however, they had to make repayment if they were restored to health; and in the event of death they were buried at the expense of the fraternity. All journeymen had to attend the funeral; and this was also the case when any member of a master's family died. The Statutes contain, besides, regulations for promoting orderly conduct and good morals among the Shoe-servants. Associating with common women, playing at dice, immoderate drinking, inducing others to drink, gaming, and such-like things, were all punished. No one was allowed to go about the streets except in decent clothes; and all who insulted or calumniated others were also punished.

Much the same were the journeymen fraternities in all trades¹; except in the Stonemasons', for every individual master stonemason, with his journeymen, formed a fraternity². The societies of the French "*compagnons*" corresponded to these organizations; except that with them I know nothing of a superintendence by the masters. There were in both the same ceremonies³

¹ See Berlepech, vol. vii. pp. 162-168; vol. ix. pp. 76-89.

² Ibid. vol. viii. p. 192.

³ See in Berlepech, vol. ii.-ix., the chapters on the journeymen and their customs; also Simon, *Sur le Compagnonnage*, and Agricol Perdiguiet, *Le Livre du Compagnonnage*, Paris, 1857.

upon admission, on entering the inn, on meeting together, and so forth; and though these may be partly explained by the intention of the journeymen thus to enhance in their own eyes the importance of their state, so rich in toil, yet these ceremonies must nevertheless be considered to a great extent as absolutely absurd. As neglect of these formalities was severely punished by the journeymen, they drew down upon themselves severe enactments from the German Imperial Legislature¹; and in France the *Compagnons Cordonniers et Tailleurs* of Paris fell in consequence under the greater excommunication in 1648².

Especially interesting too, with regard to modern Trade-Unions, is the Craft-Gilds' practice of punishment by *Schelten*, reviling, i.e. declaring any one infamous³. Both master and journeymen were reviled in this manner; and, indeed, on the most silly grounds, as, for example, when any one had killed a cat or touched a dead dog; so also for infringements of Gild principles, as when any one enticed away another's custom. Indeed, whole Gilds imposed such interdicts upon each other. Every Gild and every journeymen's fraternity kept a "black list." In this, as well as in the testimonials of travelling journeymen, the names of the reviled were entered, so that the warning against them spread through the whole country. As soon as the journeymen heard of the occurrence of such a reviling, they turned out of the workshop of the reviled master, or refused to work with the reviled journeyman, until these had made atonement; and were again recognized as honourable by the governing body of the Gild⁴. This reviling was the most severe punishment that the Gilds could inflict on refractory members; and though the strike was not then a legal means of coercion—for the Imperial laws were violently opposed to it—yet this shows that it was at least recognized as such by the employers⁵.

But frequently—as, for example, when the Gild omitted to

¹ *Conclusum Imperii*, 1731, § 9.

² Simon, *Sur le Compagnonnage*, p. 74.

³ In the early Middle Ages every creditor used to revile thus his debtor on non-fulfilment of his obligations. See Gengler, *Deutsches Privatrecht*, Erlangen, 1854, p. 198.

⁴ Pölitx and Bülau, 1843, vol. i. pp. 359–364.

⁵ The possession of still greater power by the journeymen is shown by the contest between the Chapter of the cathedral at Magdeburg and the journeymen Smiths of that city, in the year 1600. The Gild of Smiths at Magdeburg extended also over the surrounding small towns and villages; but the jurisdiction over the masters and journeymen who lived there was exercised, not by the Gild, but by the journeymen Smiths of Magdeburg. This relation was even recognized by the government, and in the contest of 1600 the journeymen compelled it to carry out their wishes, by threatening to leave the workshops and even "to stop the masters' hammer." Indeed, the Chapter was obliged to pay them a fine of a hundred thalers. Pölitx and Bülau, 1843, vol. i. pp. 365–369; printed also in Berlepsch, vol. vii. pp. 72–75.

punish a master who had infringed any of the trade customs of the journeymen, or who in their judgment was not honourable, or when the masters, by means of the local authorities, had carried a resolution which was to be entered in their book of Articles—all the journeymen of a place struck work, and then wrote to the journeymen of other districts, warning them from coming to the places of strike¹. Such occurrences took place especially at Mayence, Würzburg, Augsburg. The most famous of them, that of the Augsburg Shoe-servants² in the year 1726, was in fact the cause of the Imperial decree of 1731, which was directed against this and several other abuses of the handicrafts. The Imperial laws, however, were never carried out, and the decrees of the territorial princes remained ineffectual, since the handicrafts throughout the whole of Germany hung together. Further tumults on the part of the journeymen led at last to the entire suppression of their fraternities. In many parts of Germany, however, they existed till the present century³.

Among all these seditions, though, I do not know one which had its origin in disputes about wages. It was rather presumed infringements of privileges, innovations in trade customs and the like, which always produced the uprising. In France, it is true, we already find strikes on account of wages⁴. On the whole, however, these situations show a tolerable understanding between master and journeymen. The special associations of journeymen are much rather supplements of the Craft-Gild-organization, than confederations directed against the masters: nowhere do we find a trace of opposition against the prevailing trade-system, as such, like we see in the quarrels between our Trade-Unions and their employers; the old disagreements seem merely like family disputes between parents and children.

But while in Germany and France the working-class was thus completely organized, and even to a certain degree governed itself under the superintendence of the masters, we must ask whether a similar state of things did not exist among English working-men? The "Acte towching Victuallers and Handy-craftmen," 2nd and 3rd Edw. VI. c. 15 (1549), forbids, it is true,—jointly with the conspiracies and covins of the sellers of victuals "to sell their victuals at unreasonable prices,"—all "confederacies and promises of the artificers, handicraftsmen, and labourers; not only that they should not meddle with one another's work, and perform and finish what one hath begun; but also to constitute and appoint how much work they shall do

¹ Berlepech, vol. iv. p. 77.

² Ibid. p. 142.

³ Weisser's *Recht der Handwerker*, Ulm, 1823, p. 73.

⁴ Ouin-Lacroix, pp. 15, 16.

in a day, and what hours and times they shall work ;" and, besides, "that they should not make nor do their works but at a certain rate." But all regulations forbidden in this Act recur frequently in the bye-laws of companies ; they therefore in no way originated in agreements of workmen only, but as much in those of masters. Moreover, whilst the word "*labourer*" certainly does not refer to the skilled workmen of the crafts, but probably only to labourers in agriculture, the prohibition of confederacies of "*artificers and handicraftsmen*" is directed as much against the masters as against the workmen of the crafts. And the act forbids, in the same breath with the confederacies of the craftsmen in general, all conspiracies of "divers sellers of victuals" for raising prices. This Act, therefore, does not refer at all to combinations similar to those of our working-men of the present day (as is the prevalent explanation), but is simply an attempt to check the increasing abuses of the Craft-Gilds, and this especially in the trades providing for men's daily wants, where such abuses would be felt most severely. This explanation, which is at once proved by a closer examination of the Act itself, is moreover confirmed when the Act is compared with its German counterpart, the Imperial Code of Police of 1577, title 37¹. This law contains absolutely identical prohibitions ; but these apply avowedly as well to the masters as to the workmen of the crafts. But in any case, the 2nd and 3rd Edw. VI. c. 5 refers only to transitory combinations, and the existence of a regular organization of the working-class cannot be inferred from it.

The account in Stow² of the rising of the London apprentices, "when some of their *brotherhood* have been unjustly, as they pretended, cast into prison and punished," rather points to the journeymen's fraternities of the Continent. Their outbreaks against the foreigners I have already noticed. In the seventeenth century also they often acted as a body, and expressed their opinion on all religious and political questions of the time³. Especially interesting in this place is the fact, that when

¹ *Reichspolizeiordnung*, 1577, tit. 37.—Of Crafts in general : "We have also heard as certain, that the craftsmen in their Craft-Gilds, or otherwise, conspire and combine, that no one shall sell his finished labour or work by open sale for more or less than the others ; and they thus raise the prices in such sort, that those who need their labour, and wish to buy, must pay at their (the craftsmen's) pleasure, &c. We therefore declare our earnest opinion and desire, that this shall henceforth be in no way suffered by the authorities, but that they shall watch over it : where the crafts offend however against this, they shall be punished by the authorities according to circumstances, without mercy."

² Stow, edit. 1720, pp. 332, 333.

³ See *The Honour of London Apprentices exemplified in a brief Historical Narration*, London, 1647 (Brit. Mus.) ; further, the account in Godwin's *History of the Commonwealth*, vol. ii. p. 368, "how the apprentices entered Parliament and forced the Speaker and the members to put the question and pass the votes they

Cromwell had abolished the feasts of Christmas, Easter, and Whitsuntide, "and other festivals commonly called holidays," as tending towards superstition, and had introduced the strict puritanical observation of Sunday, the apprentices, who by this "were not only deprived of the benefit of visiting their friends and kindred, but also of all set times of pleasure and lawful recreations," petitioned¹ Parliament for the appointment by law of one day in every month for these purposes; and Parliament thereupon set apart for them the second Tuesday in every month². The masters, as it appears, were in no way pleased at this, and curtailed their apprentices in the enjoyment of their "play-days"³; whereupon Parliament, on a further petition from the apprentices, ordered that on these fixed play-days all shops should remain closed⁴.

In deciding the question whether there existed special organizations of the journeymen within the Crafts, an ordinance of the Clothworkers' Company appears also worthy of consideration: "The Master, Wardens, and Assistants shall choose the warden of the Yeomanry; they shall govern the Yeomanry in such sort as in former times has been used⁵." Were these wardens of the Yeomanry the same as the masters who, as in the German Gilds, were delegated to the fraternities of journeymen? And may we therefrom form a conclusion as to the existence of fraternities of like nature in England? The ceremonies which were customary among the Trade-Unions in the woollen manufacture down to the thirtieth year of the present century, show such a striking similarity to those of the German fraternities of journeymen⁶, that the supposition suggests itself of a derivation of those Trade-Unions from the old journeymen fraternities. Yet I willingly admit that in

required;" see also Malcolm's *Anecdotes of the Manners and Customs of London*, 1811, p. 190.

¹ *Two Humble Petitions of the Apprentices of London and parts adjacent, for Lawful Recreations, &c.*, London, 1646 (Brit. Mus.)

² See the *Ordinances of the Commonwealth*, an. 1647, cap. 81, for abolishing festivals.

³ See the *Humble Remonstrance of the Apprentices of the City of London*, 1647 (Brit. Mus.)

⁴ See the *Ordinances of the Commonwealth*, anno 1647, cap. 83—Daies of recreation allowed unto Scholars, Apprentices, and other Servants.

⁵ Herbert, vol. ii. p. 657.

⁶ See the customs of the German journeymen in Berlepsch, vols. ii.—ix. The ceremonies of those Trade-Unions I found in a pamphlet avowedly written in the interests of the employers, *Character, Object, and Effects of Trade-Unions*, London, 1834, p. 67. They are again printed in a book by Ward (*Workmen and Wages, at Home and Abroad*, London, 1867, p. 102), plagiarized in the most shameless manner—with a disregard of the passages which even in that pamphlet are favourable to the workman—both from the above, and from another, *On Combinations of Trades*, London, 1831. And this one-sided plagiarism its author then dedicated to Mr. Gladstone!!

default of all other information on such organizations¹, this hypothesis does not appear tenable, unless further proofs should be produced², especially as in England the journeymen were never obliged by the Gild-Statutes to travel for a certain number of years, whilst in Germany and France all journeymen's associations owed their origin to this system of travelling.

As to the general position of the workmen in the sixteenth and seventeenth centuries, and especially as to the relations between masters and men, we find from the above ordinances of the English Clothworkers, that "controversies between the livery and their apprentices were to be settled in the old way before the master at the Common Hall," and that "journeymen should make no unlawful assemblies, brotherhoods, congregations, and flockings together." The Gild-Statutes of the sixteenth and seventeenth centuries further ordain regularly, that "no person of the mystery was to hire himself to a person of another mystery, where greater wages were offered; no journeyman should work with any of another fellowship, if he can be set on work by a freeman of his own art;" no member was to suffer his apprentice or servant "to buy and sell to his own use, or that of persons of other mysteries," such practice having brought masters "to an after deale and sore damage." On the other hand, we find a

¹ Since I sent the above to the printer I have found among my extracts a note taken from the *Journals of the House of Commons*, vol. xlix. pp. 322-324, which supplies some further information. According to a Report of a Committee of the House in 1794, on Petitions of the Woolcombers complaining of the use of the "Gig-mill," there existed then a club among the Woolcombers. Out of a hundred workmen there was not one to be found who did not belong to it. Every member had to pay contributions according to the wants of the society. Its object was to assist journeymen travelling in search of work, when work was scarce, and to relieve the sick and to bury the dead members. Everybody wishing to get relief must be in possession of testimonials of the society as to his proper conduct as a Woolcomber and as to his honesty. Whoever deceived the society lost his claims to such testimonials and to relief from the funds. The objects of this club, it is seen, were the same as those of the German *Gesellenluden* and the French *compagnons*. If we add to this, that the just-quoted records of ceremonies among Trade-Unions refer to Woolcombers also, the suggestion made in the text seems greatly corroborated. The fact that the modern Trade-Unions call the assistance given to members out of work simply "donation," the translation of the "Geschenk" of the German journeymen's fraternities, seems also worth noticing. There is however one difference to be noted. The said Woolcombers travelled only when work was scarce, while the "wandering" of the German, and the *Tour de France* of the French journeymen, were obligatory. This, as well as the date, make me therefore inclined to consider this Woolcombers' Club as a Trade-Union for assisting men thrown out of work by the Gig-mill, which may perhaps, however, have descended from an old journeymen's fraternity.

² It is remarkable that whilst there exists a rich German literature from the seventeenth century on Craft-Gilda, and especially on the position of the workmen in these Gilda, nothing on this subject is to be found in England. Most of the authors who have written on it in Germany were professors of universities or students, who had to write a dissertation in order to take their degrees.

series of regulations, of which the maintenance became in later times the main object of Trade-Unions. "No person was to exercise the trade, who had not served an apprenticeship of seven years, or been instructed by his father for that term;" no member was to instruct anybody in the trade, except his male children and apprentices regularly bound; no member was to employ any workman except he were free of the company; no journeyman was to work with a non-member. Further, "None shall lend out or put forth any of his apprentices to work with any other, because it will hinder and take away the living of free journeymen; no foreigner shall be employed before a free journeyman; no householder shall keep above two apprentices at one time, except he employ a journeyman freeman, and then he may keep three; every master, warden, and assistant may keep three;" or as in Sheffield, "No person to have more than one apprentice in his service at one time, nor to engage another before the former be in his last year, nor take any for a less term than seven years¹." Besides, other accounts of the seventeenth century show that, in the trades in which these restrictions were not maintained—either because they were not corporate, or because the 5th Eliz. c. 4 did not apply to them, or because the regulations of the Gild or the Statute were not observed—the workmen, in consequence of the abuses practised by their employers, had fallen into the very hardships for the prevention of which the Trade-Unions in the eighteenth and nineteenth centuries have striven to maintain those old regulations².

¹ See Herbert, vol. ii pp. 656, 657, and vol. i. p. 191; also Hunter's *History of Sheffield*, p. 119, and *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

² See "The Case and Proposals of the Free Journeymen Printers in and about London, humbly submitted to consideration. Licensed Oct. 23, 1666." "Whereas there are at this present in and about the City of London, to the number of a hundred and forty Workmen Printers, or thereabouts, who have served seven years to the art of Printing, under lawful Master Printers, and are reduced to great necessity and temptations for want of lawful Employment, occasioned partly by supernumerary Apprentices and Turn-overs, which have increased the number almost to twice as many on the whole, as would be sufficient to discharge all the publick and lawful work of the kingdom, The Workmen Printers above-mentioned, &c. propose: 1. That no Forreigners (that is to say) such an one as has not served seven years to the art of Printing, under a lawful Master Printer, as an Apprentice, may be entertained and employed by any Master Printer for the time to come. 2. That a provision may be made to hinder the increase of Apprentices and a limitation appointed as to the number, &c. 3. That no Turn-overs be received by any Master Printer, but from a Master Printer; and that no Master Printer turning over any Apprentice to another Master Printer may be permitted to take any other Apprentice in his place, till the full time of the said Apprentice so turned over be expired: for otherwise, the restraint and limitation of Apprentices will be evaded, and the number supplied by Turn-overs," &c. (British Museum.) Compare also the preamble of "An Act for the good order and government of the Makers of Knives, &c. and other Cutlery Wares in Hallamshire, in the county of York, and parts near adjoining" (21 Jac. I. 1624).

As the Craft-Gilds everywhere had sunk down to mere societies for the investment of capital, and as their dividends depended entirely on the exclusion of competition, it was unavoidable that the spirit of gain should lead them to restrictions which became always more oppressive for the public. The annoyances they caused were considerably increased by a process which, after the sixteenth century, was of frequent occurrence in all countries: those Craft-Gilds namely, which had hitherto comprised kindred crafts, split up into several, according to the individual trades. These then watched each other with the utmost jealousy in order to prevent encroachments on their mutual rights, and continually fought each other in endless lawsuits. Thus, for instance, the Fletchers and Bowyers in London separated themselves into two corporations in the reign of Elizabeth¹. One might wonder that, on the one hand, the workmen, whose position was so much deteriorated by the degeneration of the Craft-Gilds, did not at once overthrow their dominion, as the Craft-Gilds had formerly superseded the degenerated Gilds of the patricians (pp. cx, cxi above); and that, on the other hand, the State did not, in the interest of the public, take any steps towards the abolition of the Gilds, which had already been desired so often. But as to the working-men, though their position, and especially their prospects, had been greatly deteriorated by this degeneration of the Craft-Gilds, their interest was rather a reformation, than the abolition, of those bodies. The Craft-Gilds maintained a number of regulations, which protected the working-men, and in consequence of which their material position appears comfortable and free from cares, if compared with that of the factory hands at the beginning of this century, when these regulations no longer existed. Uprisings of working-men are therefore to be found in those days only in consequence of infringements of Gild-regulations. But as for a reformation of the Craft-Gilds according to the interests of the working-men, the latter were not powerful enough to carry it out against their masters. These still held strongly together in their Gilds, and did not yet, as in later times (and as formerly the patricians), rival each other in weakening competition. The State also had changed, and no longer consisted, as before, of an organization of many smaller states. As, after the sixteenth century, the State became in all countries continually more centralized by its kings, it was not possible for the journeymen to act with the same facility as the craftsmen had acted in former times in the towns. More-

¹ See Herbert, vol. i. p. 175.

over, owing to the men's isolated method of working, they had not yet acquired the same feeling of solidarity, or the same consciousness of the power of masses, as our factory hands since have. And as to the State abolishing the Craft-Gilds—kings used the bourgeoisie as a support; first, as Henry VII. in England, against the nobility¹; and then, because they needed them for pecuniary reasons. The capitalists had yet to attain the same dominion in the State, which in the fourteenth century they had obtained in the towns.

The first loan to the kings by the Gilds in England was made to Henry VIII.² in 1544. Thereupon followed, under the pretence of a holy zeal for the purity of religion, the most shameless confiscation of the whole property of the Craft-Gilds in favour of the king's private purse, by 37th Henry VIII. c. 4, and 1st Edward VI. c. 14—for the donations of which this property consisted had always in Roman-Catholic times been charged with yearly payments for supporting chantries for the souls of the respective donors. The corporations of London had to redeem their property with £18,700. From this period the extracting of money from the trading corporations became a regular source of supply to Government. In most manifold ways Elizabeth, and afterwards James and Charles, contrived to screw out of the Companies their wealth. This was especially managed by the granting of patents for monopolies, and for the oversight and control of different trades, to courtiers, by which the public suffered quite as much as the Companies. During the Civil War too, and the Commonwealth, the Companies had to suffer great exactions and oppressions³.

But the causes of the overthrow of the Craft-Gilds arose in the bourgeoisie itself. These causes were, the rise of large capital, and its investment in manufacture. The 2nd and 3rd Philip and Mary already indicates the commencement. After stating that "the rich clothiers do oppress the weavers, some by setting up and keeping in their houses divers looms, and maintaining them by journeymen and other persons unskilful; some by engrossing of looms into their hands, and letting them out at such unreasonable rents as the poor artificers are not able to maintain themselves by, and much less their wives and families; some again by giving much less wages for the workmanship of cloth than in times past, whereby they are forced utterly to forsake their occupations, &c.; it is enacted that no clothier, living out of a city, burgh, or market-town, shall keep more than two looms, nor more than two apprentices," &c. In short,

¹ See Herbert, vol. i. p. 109.

² Ibid. p. 112.

³ Ibid. p. 113. &c.

the Act endeavours to protect the small masters against the competition of the rich capitalists. But neither this Act nor all the other attempts of the corporations could restrain the process of development, which, especially in consequence of a series of technical discoveries, threw manufacture altogether into the hands of the large capitalists. Handicrafts, and the corporations together with them, lost continually in importance, and only made themselves hated and despised in their endeavour to arrest the natural progress of events. I need not enter into the details of these excesses of the Craft-Gilds; for as the merits of the following system consisted chiefly in these faults of the former, and as in consequence of this peculiar kind of merits the followers of the new era were not restrained by modesty from self-praise, the Craft-Gilds' faults are universally known¹. These excesses caused the removal of the trades carried on under the new system, to places free from the influence of corporate control. Birmingham, Manchester, and other places of kindred note, owe to this their career of prosperity, which was soon to leave the ancient cities and boroughs far behind. The competition of the Great-Industry rising in the new cities deprived the old corporations of their real essence, by making the attainment of their chief objects illusory, and thus turned them into mere empty shadows of their previous grandeur. In France the sovereign people finally swept the corporations away in the night of the 4th August, 1789. In Germany, several bureaucratic enactments brought them piecemeal to death, and the last remnants were destroyed by the North German Industrial Code of 1869. In England they died out gradually before the newly-rising Great-Industry; and all that remains of the ancient Gilds in the Livery-companies of to-day, is the common eating and drinking.

Yet in England there grew up successors to the old Gilds, in the Trade-Unions of working-men, which, like the first Gilds of the old freemen, sprang up as a defence against the great capitalists, who, like ever the strong, competed with each other at the expense of the weak.

¹ See however the account of the London Framework-knitters' Company in Part V.

V. THE ORIGIN OF TRADE-UNIONS.

TRADE-UNIONS are the successors of the old Gilds. With this assertion I concluded the foregoing part of this Essay. It is far from being a new statement. On the contrary, friends and enemies of these associations have repeatedly, in words and print, pointed at their connection with the old Gilds, the former to justify, by this pedigree, their existence, the latter to condemn them at once by describing them as continuations of institutions considered for long, and generally, at best as antiquated. Their enemies, by the dodge of applying to them the epithet of "long-condemned associations for the restriction of trade," generally dispensed with all further inquiries into the real results of their working.

Indeed, every reader of the foregoing pages who has ever made himself familiar with the rules of a Trade-Society, or with one of the numerous blue-books inquiring into the organization of Trade-Societies, must grant at once their similarity to the Craft-Gilds. But notwithstanding this striking likeness, and the numberless writings on the subject of Trade-Unions, nobody has yet inquired historically how these Unions originated¹, and how far they may really be considered as the descendants of the old Gilds. All opinions on this point which I have yet met with are vague, and, as I am obliged to say, far from corresponding with the reality. The most plausible theory is expounded by Mr. Ludlow in one of the best papers ever written on Trade-Unions². According to his idea, the first Trade-Unions originated in the capitalist-masters withdrawing from the Craft-Gild, so as "to confine it to the operative class, so that

¹ Mr. Thornton's chapter *On the Origin of Trades' Unions* (in *The Fortnightly Review*, New Series, vol. ii. p. 688, and in his work *On Labour and its Claims*) bears the same relation to the real origin of Trade-Unions, as Rousseau's *Contrat Social* to the historical origin of States.

² *Trade-Societies and the Social Science Association*, in *Macmillan's Magazine*, February and March, 1861.

the Gild would necessarily merge in the Trade-Society." He accordingly says, "The Trade-Society of our days is but the lopsided representative of the old Gild, its dwarfed but lawful heir." For the historical proof of the identity between the two, he refers to Mr. Hill's *Account of Trade-Combinations at Sheffield* ¹.

Considering only the rules and restrictions prevailing in the old Craft-Gilds, and comparing them with the regulations which our modern Trade-Associations, existing only among workmen, try to enforce, one might feel inclined to accept this opinion at once. But the fact is, that in no one single instance did such a withdrawing of the masters from the Craft-Gild, leaving it to the workmen alone, ever take place. On the contrary, I think it more probable that the masters generally remained in the corporation, to prevent its bye-laws being enforced against them, and to annihilate its influence. Such, at least, was the case at Sheffield—as I will show further on—or the audience of Mr. Roebuck's declamations against the United States, the still existing Cutler's Company in Hallamshire, would have consisted of the same persons as returned Mr. Mundella for Sheffield! Trade-Unions are no lopsided representatives of the old Gilds; they are complete Gilds themselves, as well as the Town-Gilds and Craft-Gilds. And when calling them the successors of the old Gilds, I did not mean to designate them as continuations of the Craft-Gilds, nor do I think that their descent from these now certainly antiquated societies could justify their existence. But if I succeed in proving that wherever we find in a trade the first formation of such unions among the workmen, and if, wherever more detailed records of their origin are extant, we see them arising under the same circumstances and for the same objects as the Frith-Gilds and Craft-Gilds previously arose, that is, under the breaking-up of an old system, and among the men suffering from this disorganization, in order that they may maintain independence and order, I think that this, together with the identity of their organization with that of the Gilds, will not only justify me in calling the Trade-Unions the successors of the latter, but will justify as well the existence of the Unions, as I shall then have proved that certain circumstances of disorganization, if unchecked by stronger restrictions ², call forth necessarily in

¹ *Trades' Societies and Strikes. Report of the Committee on Trades' Societies appointed by the Social Science Association, London, 1860, p. 521.*

² The want of a similar growth of Trade-Societies on the Continent must be accounted for by the military sway prevailing there at the end of the eighteenth and the beginning of the nineteenth century, which suppressed all kinds of meetings and unions, and by the absence of a similar disorganization of trade to that which prevailed at that time in England.

all times the same organizations into Gilds. Indeed, in our time of physical and economical law-making, one might call this a historical law.

Our inquiry makes it necessary that we should first of all represent to ourselves the regulations of the Statute of Apprentices, the 5th Elizabeth, c. 4, which codified the order existing for centuries among the Craft-Gilds, and applied it to all the trades of its time. There were indeed combinations and associations similar to Trade-Societies already before 1562. But, as I have shown in Part IV., they were but exceptions, occurring chiefly in the building-trades¹. And the very fact of their occurring in the building-trades in the Middle Ages, is another proof of the justness of the theory which I am going to put forward in these pages; for these trades resembled entirely our modern manufactures, with their small number of masters and their masses of workmen, with sub-contractors, and deductions from wages. And as to the 2nd and 3rd Edw. VI. c. 15, it has been shown above² that this statute refers, not to associations of journeymen like our Trade-Societies, but to the abuses of craftsmen in general.

According to the 5th Eliz. c. 4, no one could lawfully exercise, either as master or as journeyman, any art, mystery, or manual occupation, except he had been brought up therein seven years, at least, as an apprentice. Every householder dwelling in a city, town-corporate, or market-town, might take apprentices for seven years at least. But only those youths might be taken as apprentices whose parents possessed a certain fortune; and none could be bound but those who were under twenty-one years of age. Whoever had three apprentices must keep one journeyman; and for every other apprentice above three, one other journeyman. As to journeymen, it was enacted that, in most trades, no person should retain a servant under one whole year, and no servant was to depart or be put away but upon a quarter's warning. The hours of work were fixed by the Act to about twelve hours in summer, and from the day-dawn till night in winter. Wages were to be assessed yearly by the justices of the peace or the town-magistrates, at every general Sessions first to be holden after Easter. The same authorities were to settle all disputes between masters and apprentices, and protect the latter. The 1st Jac. I. c. 6 expressly extends this power of the justices and town-magistrates to fix wages, to the wages of all labourers and workmen whatever.

It is evident that, as long as the regulations of the Statute of Apprentices were maintained, the position of the workmen was

¹ See p. cxliv, above.

² See pp. clvii, clviii.

secure. The long term of service assured them the regularity of employment, which they desired above everything. The magistrates were, according to the intention of the Act, to assess the wages so as to "yield unto the hired person, both in the time of scarcity and in the time of plenty, a convenient proportion of wages;" and the hours of work were not excessive, especially as the manner of carrying on industry was not then so exhaustive as it is now-a-days. Besides, the restrictions as to apprentices prevented a too great competition from lowering the skilled workmen to the level of common labourers. But as Adam Smith¹ tells us, the operation of this statute was limited by interpretation to cities, towns-corporate, and market-towns, and to those trades only which were established in England before the 5th Eliz.

In order to prove my assertion, that the Trade-Unions originated with the non-observance of these regulations, I will now successively consider, first, some of the trades subject to the 5th Eliz. c. 4; then, some of those which were incorporated by charter; and lastly, some which were free from any restrictions, whether by charter or Acts of Parliament.

The woollen manufactures were the old-staple trade of England. I have already spoken in Part IV. of the great importance of the Craft-Gilds of the Woollen-weavers; and we have seen how the great number of workmen employed in this trade led them to combine whenever there was a temporary want of sufficient organization². Later on, the trade came under the 5th Eliz. c. 4, and was regulated besides by the 5th and 6th Edw. VI. c. 22 as to the use of machinery, and by the above³ cited 2nd and 3rd Philip and Mary, c. 11, as to the number of looms which one weaver might have.

According to a report of a Committee of the House of Commons in 1757, the assessment of wages by the justices seems to have fallen into disuse in this trade already before 1720. In that year the justices fixed a rate of wages; but it was not carried out into practice. This want of fixed wages evidently led to oppressions of the workmen by the masters, and induced the men to combine. Accordingly, in 1725 the 12th Geo. I. c. 34 prohibited the combinations of workmen employed in the woollen manufactures; and an Act of the following year ordered the justices once more to fix the rate of wages in this trade. In accordance with this Act, the workmen petitioned the justices in 1756 to fix such rates of wages. But as the masters made a counter-petition, the justices refused to act. The immediate consequence, according to the evidence of a master, was, that

¹ *Wealth of Nations*, Bk. I. ch. x. Part ii.

² See pp. cxliii, cxliv, above.

³ See p. clxiii.

the Weavers revolted, hindered the journeymen who went on working, and drove them from their looms. This master estimates the losses which arose to the country from these riots, at from £15,000 to £20,000. This strike induced the master manufacturers to agree with the workmen, and peace was at once re-established¹. In the same year the justices were ordered again, by the 29th Geo. II. c. 33, to settle the rates of labour yearly in the woollen manufactures.

But these were mere transitory skirmishes, called forth by individual attempts of the masters to abolish the existing order of things. As, however, this order was still maintained by the legislature, these attempts did not at that time lead to the formation of lasting Trade-Societies. This did not come about till the transition of the woollen manufactures from the domestic to the factory system, and till the attempt of the master manufacturers to get the 5th Eliz. c. 4 repealed. A Parliamentary Report² exists which gives almost a photograph of the state of the woollen manufactures at the time of these changes. As it is of importance for the understanding of the origin of Trade-Unions in all trades to have a clear idea of this transition, I will give a detailed account of these changes in the woollen manufactures, and will then deal less fully with the other trades.

The woollen manufactures were carried on in the last century by small masters in their own homes. They dwelt in villages and scattered houses, and often cultivated besides a little land, from three to twelve or fifteen acres. Often too they had a horse to carry their cloth to market, or, in later times, to the public mill. The number of such small masters in the environs of Leeds was estimated in 1806 as 3500.

Every master had served a seven years' apprenticeship. Though the 5th Eliz. c. 4 was not known, either to masters or men, its regulations were maintained, because they corresponded to custom. Thus even in 1806 there were in Harmley, a clothworkers' village of from 4000 to 5000 inhabitants, ninety-seven apprentices bound for seven years, and only four bound for a shorter period.

Each master employed on the average ten journeymen and apprentices. As a rule there was one apprentice to two or three

¹ *Journals of the House of Commons*, vol. xxvii. pp. 730-733.

² *Report and Minutes of Evidence on the State of the Woollen Manufacture of England*, July 4th, 1806. Every single statement made in the following account in the text can be proved from this report, which I recommend every reader interested in the subject to peruse, as it is one of the most interesting reports I know of.

journeymen. Besides, the master was regularly assisted by his wife and children. Children working with their fathers did not need to be bound by indenture. As a rule, all these persons worked in the master's house, where the wool was worked through all the various stages, till it became undressed cloth, and, if necessary, was dyed. Sometimes also the journeymen did the work in their own houses, and were assisted in it by their wives.

The master himself taught the apprentice his trade. If the latter had the prospect of ever becoming a master himself, he was also taught how to buy raw materials. In this case the master received a premium on taking the apprentice. After the seven years' apprenticeship the apprentice could settle at once as a master; but as a rule he worked first for one or two years as a journeyman. The fact that a young man of good repute could always get credit for as much wool as would enable him to settle as a small master, is especially urged in recommendation of this system. The great stability and regularity of employment appears, however, as its chief advantage. Slackness of trade did not at once stop work in the workshops. The master went on working, although he could not find an immediate sale for his products, and took his wares to the market. The fact is, that he seldom worked to order. Sale in the cloth-halls was the rule. If, then, a sudden stagnation occurred in the foreign market, or a large firm became bankrupt, the losses distributed themselves over a larger surface. They fell on the whole body of manufacturers; and though each individual small master suffered by it, there were but few, if any, whom it ruined. In such extreme cases the small masters also often took work from other small masters, to maintain their families.

Like the trade of the masters, the employment of the journeymen was exceedingly regular. As a rule, journeymen were hired for a year, and had board and washing at their masters'. They received besides, annual wages of from £8 to £10. There were journeymen who had continually for twenty years and more worked with the same masters. If trade became slack, or there was a stop in the sale, journeymen were not suddenly discharged in masses. Such discharges scarcely ever happened; as a rule, the masters let the men work on in the hope of better times. They considered it a duty to keep, in time of distress, the workmen to whose exertions in good times they owed their wealth. If a master was in want of work for his journeyman, he used to see about for a job for him at another master's; if one could not be got, he was kept on by his old master. "The men and masters," says a master, "were in general so joined together in sentiment, and, if I may be permitted to use the term, love to each other, that

they did not wish to be separated if they could help it." If, on the other hand, a master ever had more orders than he could satisfy, he asked another master to lend him a journeyman¹.

The centres of this organization of trade were the cloth-halls, to which the masters brought their products to market. In Leeds there were two halls, one for white cloth and one for coloured. Similar halls were at Bradford, Halifax, and Huddersfield. There the cloth was examined and measured by the authorities. The two chief cloth-halls at Leeds were under the direction of a certain number of Trustees, who were elected for three years by all the clothworkers of the manufacturing villages, as the most trustworthy and most intelligent of their body. They watched over the general trade interests, and especially the observance of all rules and bye-laws which were framed from time to time for the government of the halls. No clothworker was allowed to bring his wares for sale in these halls, unless he had served a seven years' apprenticeship.

The introduction of machinery brought a change into this state of things. Mills were now erected on rivers and streams, to make use of the fall of the water. Various processes, which had before been chiefly performed by hand under the masters' own roof, were now executed in public mills by machinery. In the neighbourhood of every manufacturing village were several such mills to be found. The manufacturer brought his wares to them with little trouble and loss of time, and fetched them back after they had gone through the necessary process. The cost was but small, so that he was enabled to get by these mills the advantage of very expensive machines. Sometimes too the master himself performed the work by machinery in the mill, in order that it might be well done.

¹ See the *Report* above referred to, p. 8. See, for the passage cited in the text, p. 43. As the statements in the text might be thought by some exaggerated, I will quote some questions and answers from the *Report*. "During the time you were employed by a domestic manufacturer, had you regular work constantly?" "Yes, I had; I never had reason to complain." "Were you constantly employed without reference to masters, or were you sometimes employed and sometimes discharged?"—"I never was discharged; I have been with masters where they were short, and they used to see about for a job for me, and if one could not be got, I was continued." "If the domestic master was short he wished you to pick up another job, if you could get it; if not, he would continue to give you employment?"—"Yes." (p. 117.) "As to the habit of clothiers keeping the persons they employed, you have stated that to be your habit?"—"Yea." "Would it have been possible for you, without evident disadvantage to yourself, to have kept on persons, paying them wages, without deriving any benefit from their work?"—"We consider it as a duty, and there is that good understanding between the employers and the employed, that we should think it a very irksome task to turn off a workman whom we consider as a good and an honest workman." (p. 131.) And again on p. 40: "I scarcely ever knew a man discharged from his master because his master could not give him employment."

In this domestic system of industry the work was chiefly performed by persons who were its proprietors. It was not so in the system of the "rich master clothiers" which arose in the West of England. They bought the foreign wool directly from the importer, and the native in the fleece, or from the wool-stapler. They then gave it to workmen to work up, partly in their own houses, partly in the masters'. For every single process through which the wool had to go until its completion, the masters gave the ware to another class of workers, none of whom went out of his own line. By this the workers obtained great skill in the performance of their operations. As in this system, so also in the system of the master manufacturers which came into existence with the origin of machinery, the workers were not the owners of the work they worked on. The merchants, for the most part possessors of large capitals, now became manufacturers themselves, and erected mills. In one or several buildings they kept more or less operatives working-up by machinery, under the employers' or their overseers' superintendence, the materials belonging to them.

These changes in the manner of carrying on industry led to others in the position of the journeymen. The first change was, that the apprentices were often no longer bound by indenture, though they mostly still served their seven years without it. In the mills, however, it also soon became usual to employ workers who had served no apprenticeship, besides great numbers of women and children; the latter at an earlier age than would have been possible without machinery, and according to the 5th Eliz. c. 4. Their labour was of course much cheaper than that of skilled workmen. The number of employers who had served no apprenticeship increased more and more. Whereas formerly the cloth of no master who had not served a seven years' apprenticeship was admitted to the cloth-halls, the trustees framed in 1796 a new regulation, according to which those manufacturers also were to be admitted who had carried on the trade of a clothworker for only five years. Soon after, all persons were admitted to the cloth-halls without any qualification.

It seems that at the beginning neither masters nor journeymen resisted at once the violation of the old customs and laws. But the employment of great numbers of children, apprentices, and journeymen who had served no apprenticeship, soon took the bread out of the mouths of the Weavers, and this led in 1796 to the formation of a Trade-Society, the so-called *Institution*, among the Clothworkers at Halifax, to prevent people from carrying on the trade in violation of custom and law. They did not know that, according to the 5th Eliz. c. 4, they might proceed in court

against the transgressors of this law, for they were entirely ignorant that this statute existed at all; they only knew the old restrictions as the customary order. Another object of the Institution was the assistance of sick members. When, by the 39th Geo. III. c. 81, in 1799, all such associations were suppressed, and the accumulation of funds by them especially prohibited, the Institution was nevertheless carried on. The only change was, that instead of keeping accumulated funds, the necessary money was levied by subscriptions in each case of want. The Institution included the workmen of several places.

As the new system spread, the greater irregularity of employment was felt more and more by the workmen. Every small fluctuation of trade affected the capital of a single large manufacturer much more than it had formerly affected a multitude of small ones, who had often even not noticed it. Every stop in the sale led at once to a discharge of workmen. Whereas formerly in bad times the small masters had worked on stock, the master-manufacturers avoided the accumulation of stock, and worked only to order. Whilst formerly wages had been settled for the year, now every fluctuation led to reductions of wages. Besides, "the opulent clothiers made it a rule to have one-third more men than they could employ, and then these had to stand still part of their time¹." At the beginning, on the erection of a mill, the master-manufacturers enticed the workmen by high wages from the service of the domestic clothiers; but then every fluctuation brought reductions of wages and discharges. Whenever such discharged workmen found work again even for less wages at a domestic clothier's, on account of the greater regularity of employment they never wished afterwards to change their place, even for higher wages at the factories².

The position of the domestic master-clothiers was also greatly deteriorated by the spread of the factories. With the growth of these, home-work decreased. Many who had been masters sank to be workmen. Many who would formerly have become masters, now remained workmen for ever. They began to fear that the factory system would entirely supplant the domestic, and they therefore supported the workmen in their resistance.

As, in consequence of the 39th and 40th Geo. III. c. 106 (1800), all combinations were severely prohibited, the workmen

¹ *Report*, p. 111.

² A journeyman who had formerly worked in a factory, being asked why he works for a small master though at less wages, says: "My reason is, when I have been out of employ, I have gone from house to house to work; and it seldom happens that the smaller clothiers change their men, except in the case of death and sickness. I never could lay hold of such an opportunity before."—*Report*, p. 115.

combined under the cloak of Friendly-Societies. The Report from the Committee on Woollen-Clothiers' Petitions of March 14th, 1803, contains the rules of a Trade-Society which had been begun as a Friendly-Society on Sept. 24th, 1802, and also an advertisement from a newspaper, "calling a meeting of one weaver out of the parish he represents, in order to determine on prosecuting those who unlawfully exercise or follow the trade of a weaver." At the same time we see the Trade-Society already anxious for the morals of the workmen—as before, the old Gilds—for they offer a reward to him who would detect any workman embezzling materials. The chief object of this and similar Trade-Societies was the legal prosecution of transgressors of the 5th Eliz. c. 4, of the 5th and 6th Edw. VI. c. 22, and the 2nd and 3rd Philip and Mary, c. 11.

After several employers had been condemned, first the master-manufacturers of Somersetshire, Wiltshire, and Gloucestershire¹, and afterwards those of Yorkshire², petitioned Parliament for the repeal of the last-named statutes. They especially urged the fact, that there were no master-manufacturers, and very few journeymen, who had served a seven years' apprenticeship, and that masses of workmen would become breadless if the 5th Eliz. c. 4 was carried out. Others³ desired the repeal of the 5th and 6th Edw. VI. c. 22 only, but wished the maintenance of the two other statutes for the protection of the domestic trade, the 27th, 28th, and 32nd sections of the Statute of Apprentices excepted. On these petitions the said laws were in 1803 (43rd Geo. III. c. 136) suspended for one year for the woollen manufactures, and all prosecutions for violating them were stopped. This suspension was renewed in 1804, 1805, 1806, and so forth, until the final repeal of the laws (49th Geo. III. c. 109) in 1809.

After these petitions had been presented to Parliament, the trustees of the cloth-halls at Leeds assembled the clothworkers of the villages which they represented, to agree on counter measures. They signed counter petitions, and appointed agents to support them before Parliament. The necessary moneys were raised by subscriptions. Besides, the trustees prosecuted employers who violated the laws in question. They acted for both masters and men.

But it soon appeared to their constituents, that the trustees did not proceed with sufficient zeal. "When we saw," says a journeyman, "that they did not advance, and as we knew the evils arising therefrom, and that we thereby should become

¹ *Report from the Committee on Woollen-Clothiers' Petition*, March 14th, 1803.

² *Report on Yorkshire Woollen Petitions*, May 9th, 1803.

³ *Report on Woollen-Manufacturers' Petition*, April 24th, 1804.

breadless," the workmen took the affair into their own hands, petitioned Parliament by themselves, and appointed their own agents. They again formed an Institution, about the year 1803. All journeymen belonged to it, and all working in any workshop contributed together to its funds. Even so early as this, contributions are to be found from members of other trades, as from Bricklayers, Carpenters, &c. Many home-working master Clothiers also, and very wealthy ones among them, joined the Institution to push forward affairs before Parliament, as the trustees seemed to give up the concern. It appears from evidence before the Committee, that the Institution spent from £10,000 to £12,000 on petitions to Parliament.

According to the "Rules and Orders of the Clothiers' Community, 1803," the chief object of the Institution was to carry out the legal regulations as to apprentices, in their original purity. But it is declared at the same time that those who till now had carried on the trade contrary to these regulations should continue without molestation. The activity of the society was only to extend to the future. The Rules complain besides, that the abuses which had arisen, especially the large number of hands who had been driven into the trade, had destroyed the mutual dependence between masters and men, and had produced pride and overbearing on the part of the former. Henceforth all apprentices were to be considered unlawful who had not been bound by indenture for seven years. They were to be bound, moreover, at so early an age, that their term would have expired before their majority, as no indenture was binding after their twenty-first year. The only exception was made in the case of a son of a lawful workman who served his father seven years. I must here mention, that with the factory system a new kind of apprentices sprung up, namely, apprentices bound to journeymen; hitherto all had been bound to the master. Nobody, as the Rules further ordain, was to learn two trades at once. In other Rules, workmen of other trades also stated that this regulation of the 37th Edw. III. c. 5¹ was to be maintained.

To the prosecution of this chief object, the Institution added the assistance of the sick, and of the widows of deceased members, under entirely similar conditions as are still now usual in Trade-Unions. The necessary moneys were collected, in every single case, in the name of the sick, or of the widow of the deceased. In Leeds, the contribution of each member was 1*d.* a week, and at Halifax 3*d.* Twice a year a committee of thirteen was elected by the members at a general meeting, to manage the affairs of

¹ See pp. cxxiii, cxxiv, above.

the Institution. Seven were to form a quorum. Fines were imposed for not accepting office when chosen. On resigning, the committee had to render account of their doings. There were also stewards, who had to provide for the collection of contributions, and the assistance of the sick. Besides, we find here also what we found in the Statutes of all Gilds, from the Gilds of Abbotsbury, Exeter, and Cambridge, namely, that all offences at meetings, by using bad language, ill-behaviour, and the like, should be punished. The committee had the right to alter the rules according to need. If any cause of complaint arose, either as to apprentices or as to some other rule, the men of the workshop were first to inquire into the case, to try and arrange the difficulty. But wherever they did not succeed, the difference was to be brought before the committee, whose decision was to be final.

The masters, however, did not continue long in the Institution. The fact was, that it also assisted men on strike. At one place the workmen of a master-manufacturer quarrelled with him and struck work. The members of the Institution wished to assist them; upon this the masters left the society.

When the master-manufacturers heard that the object of the Institution was to petition Parliament for the maintenance of the 5th Eliz. c. 4, they required their workmen to leave it. On refusing this they were all discharged. The master-manufacturers even entered into combinations for suppressing the Institution, which, strange to say, notwithstanding the 39th and 40th Geo. III. c. 106, was considered allowable by the Parliamentary Committee, though it was hostile to the Institution. On the other hand, the workmen at some places forced the owners of mills who worked for others on hire, to enter their society, as otherwise they declared they would not work for them. They also hindered them from working for such masters as were hostile to the Institution. Once, when a master-manufacturer employed unlawful workers, his journeymen struck work. The rest of the master-manufacturers then promised their colleague assistance, and offered to do his work for him in the meantime. But when they attempted to do this, all their journeymen threatened to leave their factories at once. Finally, the masters signed a contract, according to which they obliged themselves to engage no more workmen for the future, contrary to the 5th Eliz. c. 4.

When, year after year, notwithstanding all petitions of the workmen, the Acts regulating the woollen manufacture were suspended, a factory was burnt down; and in September, 1805, the London Fire Insurance Companies received letters of caution

from workmen, wherein they declared that, as Parliament refused to protect their right, they would do it themselves. Though the Report of the Committee expressly states, that not the Institution, but individuals, must be charged with these nefarious deeds, yet they prove the exasperation prevailing among the workmen. But notwithstanding this exasperation, and the attachment of the journeymen to their Trade-Society, which even then was so great, that as a master said in evidence, if it were prohibited they would rather follow it than the laws of the land, yet this Trade-Society ceased at once, when in Christmas, 1805, the trustees of the cloth-halls again took up the petitions. The workmen at once delivered them all their funds. It is evident from this, that the object of the Institution was nothing but the maintenance of the existing legal and customary regulations of trade. As soon as the State ceased to maintain order, it stepped into its place; and as soon as there was a prospect of a more legitimate authority putting the law into practice, the Institution ceased at once.

The Committee of the House of Commons before which this evidence was taken was, however, not favourable to the cause of the workmen. As ever on such occasions, the followers of the movement were spoken of as "poor deluded wretches," and it was made an especial fault of the Institution, that "its inevitable though gradual result must be the progressive rise of wages among all classes of workmen¹." The Committee met the petitions for the maintenance of the existing laws with the very naïve consolation, that the advantages of the domestic system were so great, that it could never be supplanted by the factory system; and by referring to the "true principles of commerce which were now so generally understood and acknowledged." But as the Committee recommended in the same breath the maintenance of the laws prohibiting the export of raw materials and machinery, the emigration of skilled workmen to foreign countries, and combinations of journeymen, it seems that they accepted Adam Smith's principles with conditions only. Their reason for advising the repeal of the 5th Eliz. c. 4 appears rather to have been the one uttered by one of the members of the Committee, namely, that its "maintenance would put the determination of the price of labour in the power of those who had the means of working²." Indeed, Adam Smith was right in saying, "Whenever the legislature attempts to regulate the differences between masters and workmen, its counsellors are always the masters!"

¹ *Report of 1806*, p. 17.

² *Minutes of 1806*, p. 178.

After the repeal of the said statutes (p. clxviii) the combinations among the workmen in the woollen manufactures became chronic.

Earlier than the Trade-Society which the Clothworkers began in 1802 under the cover of a Friendly-Society, the Shipwrights of Liverpool had formed themselves in the last century into a Trade-Society, which was nominally a mere benefit-club¹. Here too the abuse of employing chiefly apprentices caused the origin of this union. But much earlier than the Trade-Societies in both these trades were those of the Hatters. Besides being under the 5th Eliz. c. 4, the hat-trade was under two Acts of the 8th Eliz. and the 1st Jac. I., which only confirmed the regulations of the Statute of Apprentices expressly for that trade. In this trade prevailed, early in the eighteenth century, the system of carrying on industry by means of sub-contractors (*alias* sweaters), who were called Little Masters. They received the materials from the master-manufacturers, and got them worked up by apprentices only. This led to combinations of the journeymen. From 1772 an extremely vigorous Trade-Society existed among them for maintaining the existing order and providing for the interests of the operatives. As soon as the employers attempted to give work to sub-contractors, they forced them by strikes to take it back. The society was called the *Congress*, was regulated by statutes, and framed bye-laws. All workmen of the trade belonged to it. Every one had to pay a weekly contribution of 2d. As the workmen thus prevented the masters from employing an excessive number of apprentices, the masters petitioned Parliament in 1777 for the repeal of the legal restrictions as to apprentices, and for prohibitions of combinations of journeymen². Both were granted by the 17th Geo. III. c. 55, which did not however repeal all restrictions, for every master-hatter was to employ one journeyman for every apprentice he might take.

In the Tailors' trade also combinations must have existed early in the eighteenth century, as the 7th Geo. I. c. 13 forbade them. I could, however, find nothing as to the cause of these combinations in the Journals of the House of Commons. But it is probable that here also, as in other trades, as for instance in the woollen manufactures just mentioned, the discontinuance of the legal regulation of wages by the justices of the peace occasioned these combinations. This seems the more probable, as the preamble of the 8th Geo. III. c. 17 speaks of those who by "many subtle devices" tried to evade the regulations of wages by the justices

¹ *Social Science Association's Report on Trade Societies*, p. 480.

² *Journals of the House of Commons*, vol. xxvii. pp. 730-733.

according to the 7th Geo. I. c. 13. By these words masters are evidently meant, as the devices of the workmen would have simply been strikes. In any case, however, the combinations of the Tailors seem to have been but transitory, and not to have led to the formation of lasting Trade-Unions. At least, during the entire eighteenth century we hear no more of combinations of journeymen, and not even the 8th Geo. III. c. 17 makes mention of them.

I now turn to the consideration of some trades incorporated by charter.

The trade of Framework-knitting was not yet established in the 5th Eliz.¹ But in the year 1663 Charles II. incorporated "several persons, by the name of Master, Warden, Assistants, and Society, of the Art and Mystery of Framework-knitters, of the Cities of London and Westminster, the Kingdom of England and Dominion of Wales, for ever, with power to exercise their jurisdiction throughout England and Wales; and from time to time to make Bye-laws for the regulation of the said business of Framework-knitting, and to punish persons who should offend against such Bye-laws." By § 33 of the Charter² the Master was directed to "enforce the statute of the 5th Eliz. c. 4, or any other statute as respects apprentices and the occupations of the trade."

By this ordinance of the Charter, therefore, the 5th Eliz. c. 4 had authority also over this trade. But evidently the Charter was not of the same effect as the Statute of Apprentices would have been, if it had had direct authority over the trade. The execution of the ordinances of the Charter depended on the Master and Wardens of the Company, that is, on the good-will of employers. As early as the beginning of the eighteenth century the masters employed apprentices in unlimited numbers, often in the proportion of ten and more apprentices to one journeyman; and there is even a man mentioned who had for thirty years employed constantly twenty-five apprentices to one journeyman. Indeed, this abuse of the want of fixed legal restrictions cannot surprise us, for besides the less wages to be paid to an apprentice, the parishes often paid bounties to the amount of £5 for every boy taken from the workhouse³.

By this system the adult workers immediately after the expiration of their apprenticeship fell into deep misery. They

¹ Felkin's *History of the Machine-wrought Hosiery and Lace Manufactures*, London, 1867, pp. 71, 75.

² See the Charter in the *Report from the Committee on Framework-knitters' Petitions*, 1812, p. 49.

³ Felkin, p. 75.

therefore, in 1710, petitioned the Company to carry out the regulations of the Charter with regard to apprentices. But the Company refused. This was followed by a riot of the workmen; they destroyed about 100 frames, threw them out of the windows, and thrashed the opposing masters and their apprentices. The frightened masters gave in, and promised to observe for the future the ordinances of the Charter with regard to apprentices. But as the system of parish apprentices was continued, the trade, notwithstanding this promise, was so overstocked with lawful journeymen without employment, that the most serious seditions ensued. The extent to which they went may be seen from the fact that in 1727 an Act was passed, prohibiting under penalty of death the breaking of frames, which was the men's chief way of revenging themselves on their masters¹. The overstocking of the trade with breadless parish apprentices who had served their term, brought them, in the years 1740 to 1750, near to starvation, according to Mr. Felkin's² account. "There was often only one coat in a shop, which was worn by each in turn³, as he went out from its precincts; so that one Moss, a Northamptonshire master, refused to employ a man possessed of a good coat, declaring the best workmen were only to be found in ragged ones."

On May 22, 1745, the Company ordained new bye-laws⁴, which were confirmed by the Lord Chancellor in accordance with the 19th Henry VII. c. 7. They enacted once more the old restrictions as to apprentices. Besides, these bye-laws contain the first direct news of the practice which was to bring such infinite misery on the workmen, namely, of owners of frames who, though they did not themselves exercise the trade, let frames out on hire⁵. This is the first intimation of mere capitalist-employers. But when the Company did nothing further but attempt to enforce its authority in favour of the London employers throughout the whole country, this led to the entire loss of its influence.

When, at the beginning and in the middle of the eighteenth century, the trade retired more and more from London to Nottingham, the Company sent its deputies there to maintain its privileges. But the Nottingham manufacturers did not acknowledge them. They were already employers of the modern style; they had (for the most part) not served a seven years' apprenticeship themselves, and employed unlawful workers, such

¹ Felkin, pp. 73, 227-229.

² Ibid. p. 82.

³ Among the London tailors such a coat is called a "reliever."

⁴ *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

⁵ See Felkin, p. 79.

as journeymen who had not served their legal term or did not belong to the Company, as well as women and children; of two employers, we are even told that the one worked with twenty-three, the other with forty-nine, apprentices, without employing any journeymen. The Company relying on its Ordinances confirmed by the Lord Chancellor, threatened to enforce these masters' submission at law. But then its former conduct towards the petitions of the journeymen in 1710, and its own degeneration, were revenged upon itself. The retort on it was that its members did not themselves maintain the seven years' apprenticeship as a qualification of trade,—that they had themselves given up the requisite of a masterpiece,—and that instead of preventing frauds they rather committed them themselves. The fact is, that the London manufacturers were quite as much modern employers as those of Nottingham, and their whole proceeding appears nothing but a trick arising from envy. The workmen, however, hailed with joy the proceedings of the Company. The Company also addressed the men especially, asked them to join them, made easier for them the conditions of entrance, promised the re-establishment of the old order, and designated themselves as the true friends of the workmen, whilst they called their other employers their enemies¹. The master-manufacturers, threatened with lawsuits by the Company, petitioned Parliament and accused the Company of ruining the trade by monopolies. As Parliament was of the same opinion, the Company became unable to enforce its bye-laws legally, and therefore ceased henceforth to exercise a real influence over the trade².

Notwithstanding the enormous rise of framework-knitting in the period from 1750 to 1780, the workmen—as Mr. Felkin says—but slowly, partially, and indirectly profited by it. The trade suffered under the constant influx of boys, girls, and non-freed workmen. Whilst these abuses had hitherto produced only violent transitory revolts, they then—when all hope in the efficiency of the Company had been finally destroyed—led to the formation of a Trade-Union of the workmen. Thus arose the Stocking-makers' Association for Mutual Protection in the Midland Counties of England, for the purpose of making regulations as to apprentices, inasmuch as a legal order was wanting. This body soon became so powerful in Nottingham that it influenced the elections for Parliament, and even made them. Mr. Abel Smith was thus returned without opposition in 1778, when the members of this Association marched in procession before his chair, accompanied by two assistants, the clerk, and other

¹ *Journals, &c.*, vol. xxvi. p. 794.

² Felkin, pp. 79, 80.

deputies of the London Framework-knitters Company. "This formerly authoritative body had," as Mr. Felkin says, "another opportunity thus given them, by wise and timely measures, to have rendered themselves useful between the master-hosiers and their discontented workmen. The novelty of high rents exacted for frames, with other charges, had not yet settled into a legalized custom; the best of the journeymen and wisest of the masters might have been conciliated, and the Charter revived; but the time was wasted in squabbles about fees, and the Company lost almost its last hold on the trade¹."

As the complete abandonment of the workmen to the discretion of the employers plunged them, notwithstanding the flourishing state of the trade, into the greatest misery, they petitioned the House of Commons in 1778 for a legal regulation of the rate of wages. In consequence of low wages, the payment of frame-rents, and other charges of the employers, they were, according to their statement, unable to maintain themselves and their families. As the master-hosiers made a counter-petition, a Committee was appointed to inquire into the complaints of the workmen. The witnesses examined confirmed the justice of the journeymen's statements in an alarming manner. The earnings of a workman were affirmed to be about 6s. a week. Besides, there were the most infamous exactions on the part of the employers. According to the evidence of an examined master, many of them hired workmen without giving them sufficient employment, for the mere purpose of obtaining frame-rents². But notwithstanding the Report of the Committee, the influence of the masters prevailed, and the motion for enacting a law according to the petition remained in the minority. On this the employers in the silk branch of the trade attempted at once to reduce the prices paid for the work 25 per cent., and a strike was the immediate result³.

On the 2nd of February, 1779, the Framework-knitters of Nottingham and the environs again petitioned the House for the regulation of the trade of framework-knitting. This petition was followed by similar ones from Tewkesbury, Godalming, Derby, London, Westminster, and Northampton. Witnesses from all these places were examined by a Committee⁴. The shameless exactions on the workmen by their masters unveiled by this Committee find their equal only in the articles of the

¹ See for these statements Felkin, pp. 115-117.

² *Journals of the House of Commons*, vol. xxxvi. pp. 635, 728, 740-742.

³ Felkin, pp. 115-117.

⁴ *Journals of the House of Commons*, vol. xxxvii. pp. 117, 295, 301, 370-372.

*Morning Chronicle*¹ in 1849, on the position of the London Tailors, and their oppressions by Sweaters. According to the evidence of all witnesses examined, wages had constantly fallen during the then last twenty years, whilst the prices of food had risen. The employers had always endeavoured to reduce wages. After various deductions—which the workmen had to submit to—for frame-rent, winding, seaming, needles, candles, &c., their wages are stated as 6*s.* or 8*s.* weekly. Numbers of workmen could not even earn as much. The most disgraceful abuse was carried on as to frame-rents. The value of a frame is stated as £6 or £8. But for its use the workmen had to pay rents from 1*s.* 3*d.* to 2*s.* a week, that is, up to 86 per cent. The workmen were obliged to hire these frames, if they wished to get work; if a workman had himself a frame, he was refused work. This rent the workmen had to pay whether they worked or not, even during their sickness, for Sundays and holidays, or when they had no materials, which the employers had to furnish. Many employers in Nottingham stinted their workmen from making more than a certain number of stockings a week, though they could have made more,—evidently that they might thus be able to deduct the more frame-rent from a certain sum of wages. The workmen had to buy from the employers the materials for making the stockings. The latter then rebought the stockings from the workmen. But they also often left them on the workmen's hands. The workmen, says the Report, were in a state of starvation. They had to submit to any conditions of their employers. A number of workmen who had signed the last year's petition to Parliament had had to leave off work.—The witnesses brought forward the fact that the masters and men at Dublin had agreed on a price list, and that the Lord Mayor had confirmed it; that both parties were there now content, and that the workmen had bettered themselves in consequence of the list, and earned more wages. They desired a Bill fixing prices, which would, as they thought, produce a very wholesome effect.

On this Report the House resolved that a Bill should be introduced for regulating the trade of framework-knitting, and for preventing the frauds and abuses therein. Mr. Meadows, one of the members for Nottinghamshire, brought in the Bill on May the 10th, 1779. It was strenuously supported by Mr. Robert Smith (afterwards Lord Carrington), who said “the measure was moistened and saturated by the tears of the poor distressed families of framework-knitters.” Leave was given to bring in

¹ The numbers of December 14th and 18th. See also *Cheap Clothes and Nasty* by Parson Lot, 1850.

² Felkin. pp. 115-117.

the Bill, with only one dissentient voice. Upon this the employers counter-petitioned. They said that if the Bill should become law, this, "from various reasons" (*sic*!), would be most injurious to the petitioners, and to the wholesale merchants in the trade of framework-knitting. A Committee was appointed, which was once more to inquire into the state of the workmen. On the 9th of June they reported that the former statements of the workmen were *true*, and proposed only a few amendments in the Bill. The second reading was carried by twenty-four against twenty-three. But it was thrown out upon the third reading by a majority of fifty-two to eighteen¹. Indeed, I was wrong in approving above of the saying of Adam Smith, that whenever the Legislature has attempted to regulate the differences between masters and workmen, its counsellors have always been the masters. This statement contains but half the truth. It has also always been the same whenever the Legislature refused such regulation.

Upon the rejection of the Bill, great excitement of the workmen ensued. They crowded to Nottingham, broke the frames of those manufacturers by whose special influence the Bill had been lost—as well as of other employers—threw them out of the windows, burned a house down, and destroyed much property belonging to the employers. More than 300 frames were broken on this occasion. The whole of the employers then promised, if the riots would at once cease, to remove all grievances. On this, peace ensued. Public opinion seems to have been on the side of the journeymen, for the workman accused of having set fire to the house was acquitted. But the employers kept their word badly. They had formed a union of their own. After the ferment had subsided, they issued an address, stating that they would oppose all regulations, whether by charter or Acts of Parliament, as tending to drive the manufacture to France, where workmen were contented with low wages².

The grievances of the workmen in the trade increased more and more. From 1780, in consequence of the system of rent-charge for the use of stocking frames having become fully established, the construction of machinery proceeded very rapidly for the next thirty years. The cost bore so small a proportion to the rent, as to induce many persons not in the trade to purchase frames³. On this came a vast increase in the number of apprentices. Mr. Felkin mentions an instance of a father and son in Nottingham having, in 1810, twenty-four apprentices; and two framework-knitters at Hinchley having 100 between them.

¹ *Journals of the House of Commons*, vol. xxxvii. pp. 386, 396, 421, 441.

² Felkin, pp. 117, 227-229.

³ *Ibid.* p. 117.

The whole district was accordingly in a constant state of riot. In their distress the workmen turned their attention once more to the powers entrusted to the chartered London Company, and sought its intervention for their relief. But it was then too late for its action. The Company proceeded, indeed, at law against a manufacturer for taking apprentices in violation of the bye-laws of the Company, but the manufacturer was condemned in 1*s.* damages only. As wages became more and more dependent on the discretion of the employers, the workmen again applied in 1812 to Parliament to enforce payment by statement-lists. But though a Bill embodying such clauses passed the Commons, the appeal was unsuccessful in the Lords. On this the workmen in all the branches of the trade entered into union in 1814¹. Since then, until the time of Mr. Mundella, attempts to fix statement-lists of prices have changed with strikes, when these were violated by the masters, and with unsuccessful applications to Parliament for laws regulating the trade.

To mention another incorporated trade, I take the Cutlers in Sheffield. Already before 1790 the masters there must have attempted to violate the customary restrictions as to apprentices; and they were probably hindered in this by the journeymen. But far from withdrawing from the corporation, they complained of these restrictions in 1790 to Parliament, and petitioned for alleviations in the bye-laws of the Company². These were granted in an Act of June the 7th, 1791³; and forthwith, on the 9th of September of the same year, we find combinations among the Scissor-grinders and other workmen. On the 3rd of April following the Scissor-smiths' Benefit Society was formed. According to Mr. Hill's account⁴, it was a Trade-Society to oppose the actions of the employers, which probably took the shape of a Friendly-Society to evade the 39th and 40th Geo. III. chap. 106.

The same phenomena which we observed in the trades incorporated by charter, or under the 5th Eliz. chap. 4, recur in those which had been always free from any legal restrictions. Among these was the trade of the Calico-printers⁵. Nevertheless, though the regulations of the 5th Eliz. chap. 4 had no power over this trade, yet they were observed in it as the order sanctioned by the general

¹ Felkin, pp. 435-439 and foll.—The London Company existed till 1835.

² *Journals*, vol. xlv. pp. 11, 12.

³ *Ibid.* p. 717.

⁴ *S. S. A. Rep. on Trades' Societies*, p. 526.

⁵ See for the following statements, "Minutes of evidence taken before the Committee, to whom the petition of the several journeymen Calico-Printers and others working in that trade, &c., was referred," July 4, 1804; and the Report from the Committee on these minutes, July 17, 1806.

custom of trade before the introduction of machinery. But simultaneously with the introduction of machinery, about the year 1790, the unlimited employment of apprentices in the place of adult journeymen became general in this trade. And the disproportion between journeymen and apprentices which, not restricted by even the possibility of a legal prosecution, arose in the counties of Lancaster, Derby, Cheshire, and Stafford in England, and in those of Lanark, Renfrew, Dumbarton, Stirling, and Perth in Scotland, surpassed by far that existing in all other trades. In Lancashire there were cases of fifty-five apprentices to two journeymen only; and in the county of Dumbarton cases of sixty to two. These proportions had however been in no way caused by a want of hands from the great rise of the trade after the introduction of machinery. On the contrary, whilst all apprentices were working full time in the factories, the journeymen sought in vain for work. And whenever the state of the trade necessitated a discharge of hands, the journeymen were always discharged first, whilst the apprentices remained fully employed. The reason was rather this, that the masters, by employing apprentices instead of journeymen, saved one-third in wages. And it was not rare "that apprentices were discharged immediately upon the expiration of their apprenticeship, although the work was unfinished, the masters being unwilling to pay them journeymen's wages, even until such work was finished." Against the evil consequences naturally to be apprehended from the comparative unskilfulness of boys, the masters provided, by making at their discretion an adequate deduction from their wages, whenever work was spoilt by the boys. The position of the apprentices was just as precarious as the situation of the journeymen was miserable. The employers declined taking apprentices on indenture, and accepted them only on verbal promises of serving seven years. To enforce the observation of this agreement, they required from the parents of the boy a bond of £50, and also retained a certain part of their earnings—as a rule £10—until the term of apprenticeship agreed to had elapsed. Besides, the apprentices often had to serve from eight to ten years instead of seven; for when at any time the employer had no work for his apprentice, he forced him to serve more than his term for the time in which he had no work. The employer, on the other hand, did not take upon himself any legal obligation whatever towards his apprentices. He could discharge him at will, and very often did so. These apprentices were partly parish apprentices, partly children of workmen, who were forced by their employers by threats of instant dismissal in case of refusal to apprentice their children. And whilst the trade "produced

among the generality of workers a great difficulty of breathing, diseases of the lungs, &c.; whilst their sight was apt to fail them at an early age, and the period of old age very soon reached them," and they thus became unfit for any other employment, they were mostly discharged at once after the expiration of their apprenticeship. There is also evidence as to workers being dismissed immediately on their sight beginning to fail them¹.

This abuse of power on the part of the masters, and their aggressions, especially on the journeymen's customary right of preference to employment, which they had acquired by a regular apprenticeship, led at once, as might be expected, to the formation of Trade-Societies. All journeymen of the trade belonged to this Calico-printers' Trade-Society, as all Clothworkers did to their Institution. At first there were no regular obligatory payments, but all contributed voluntarily to a common fund. From this fund the sick members, and those out of work, were assisted. When such accumulations of funds had been prohibited by the 39th and 40th Geo. III. chap. 106, the Calico-printer Unionists gave each member a ticket. On presenting this, the bearer—like the wandering journeymen in Germany—received a donation from the workers in every workshop he passed. Originally, everybody was free to give what he pleased; but gradually there arose too great a disproportion, as the zealous often gave 6*d.*, whilst the lukewarm gave nothing. Then the journeymen were bound to fixed contributions, in England to a halfpenny, in Scotland to 1*d.* each. It seems that as the trade developed further, only the more zealous journeymen belonged to the Union, and that thus a closer and more restricted association arose, which no longer comprehended all workers in the trade. Another rule among these workmen which has a certain likeness to those of the German journeymen's fraternities, was, that every apprentice or workman who wished to work in a workshop, had first to apply to the journeymen, before asking the masters for work. The reason was, that if discontent existed, or there was not plenty of work, the employers might not take advantage of the new offer of labour to discharge their journeymen or reduce wages. If new apprentices were taken, a strike ensued. When the journeymen struck work, the apprentices generally went with them, and were assisted during the turn-out by the journeymen. In London and the parts adjacent, however, the most friendly relations existed between masters and men; but it was also shown, on inquiry into fourteen workshops, that the proportion of apprentices to journeymen was only 37 to 216.

¹ Compare Sheridan's speech on these abuses in *Hansard*, vol. ix. pp. 534-537.

These combinations existed until the year 1802, when the journeymen first applied to the House of Commons for redress, and "the moment they found their petition entertained, and felt any ground of hope that their grievances would be fairly considered, all combination ceased, and their reliance for redress was entirely founded upon the justice and liberality of Parliament¹."

The Committee appointed by the House made an excellent Report on the evidence which it had taken, and warmly recommended measures for the relief of the Calico-printers. The Report dwelt specially on the fact, that the legislation of the then last years for the working-classes "had operated only in favour of the strong and against the weak." "Everything," it says, "is made subservient to the interest of the masters, and exclusively too; for the diminution of expense, considerable as it is, the manufacture arising out of their multiplication of apprentices at reduced wages, and the introduction of machinery, do not appear to have produced any reduction whatever in the price of the fabric to the consumer." Mr. Sheridan brought in a Bill in accordance with this Report, proposing (among other things) to lessen the number of apprentices. Parliament, however, refused the Bill a second reading, especially on a speech of Sir Robert Peel (the father), who opposed it in the name of the master-printers. He was a party to the question, as the evidence shows, for his manufactory at Church Bank, in Lancashire, was as overstocked with apprentices as those of other employers. This refusal caused the revival of Trade-Unions among the journeymen Calico-printers; and it is worth mentioning, that the precarious condition of the apprentices themselves caused them even later on, in 1831, to form a Trade-Society of their own², which was to assist and supplement the Trade-Society of the journeymen in their endeavours, just as the journeymen's fraternities of the fifteenth century on the Continent supplemented the Craft-Gilds.

As regards the Cotton-trade, I have not been able to find accounts of the first Trade-Societies among its journeymen. But the following statement about it agrees with what occurred in all other trades, when the exceedingly well-informed author of the essay *On Combinations of Trades* says (p. 15), "that this manufacture, which was of too modern an origin to be obnoxious to the 5th Eliz. c. 4, was never without unions among its artisans." An early organization of the journeymen Cotton-workers may also be inferred from the evidence contained in a Parliamentary Report

¹ The words are Sheridan's. Compare also *Report*, p. 6.

² See the account of the Young Society of Block-Printers in Manchester, in the essay *On Combinations of Trades*, pp. 73-76. London, 1831.

of 1811¹. It is said there, that for seventy years statement-lists of prices had existed in that trade, which were agreed upon by masters and men, and that they had been given up thirteen years before, by which great misery had been caused to the workmen.

Though the examples mentioned sufficiently prove my assertion as to the origin of Trade-Unions, I will yet give an account of the Trade-Societies in the Silk-manufacture; for the real nature of Trade-Unions comes out nowhere more clearly than here. Already before 1773 the assessment of wages by justices of the peace or by the Lord Mayor had fallen into disuse in the silk-manufacture in London, Westminster, Middlesex, and within the liberties of the Tower of London. In consequence, the competition of employers to undersell each other had lowered the wages of workmen. This led to continual differences as to wages between masters and men. Several deeds of violence were committed by the exasperated workmen, and much property belonging to those employers who would not pay the customary wages was destroyed². Strikes were frequent; and the men on strike were assisted by contributions from all the workmen of the trade. They chose a committee for managing all matters connected with the trade. But when the committee once ordered a levy of 2*d.* for every loom used by a workman, quarrels ensued with the masters, which finally led to the enactment of the 13th Geo. III. c. 68³. According to this Act, the justices of the peace or the Lord Mayor at the above-named places were, from July 1st, 1773—from time to time, after demand so to do had been made to them—to assess the wages of the journeymen in the silk-manufacture. Employers giving more or less than the assessed wages to their workmen, or evading the Act, as well as journeymen entering into combinations to raise wages, were to pay certain fines, the amount of which, after the deduction of the necessary expenses, was to be applied to the relief of needy weavers and their families. By the 32nd Geo. III. c. 44, of the year 1792, these regulations were extended to the manufactories of silk mixed with other materials; and by the 51st Geo. III. c. 7, of 1811, to the female workers in the respective trades. These three Acts were called the Spitalfields Acts.

After the enactment of the first Spitalfields Act, no more strikes

¹ *Report on Petitions of Several Weavers*, June 13th, 1811.

² *Minutes of Evidence taken before the Committee to consider of the Several Petitions relating to the Ribbon Weavers*, March 18th, 1818, p. 46.

³ *Second Report of Minutes of Evidence*, April 20th and 28th, and May 8th, 1818, p. 57.

took place in Spitalfields¹. Masters and men were unanimous in their praise of the effects of these Acts; and an employer even declared, that in case of their repeal, he would instantly retire from the trade². In the year 1795 a general price-list was fixed in conformity with the 13th Geo. III. c. 68; and this was followed by several others, the last in 1806³. The great expenses caused by the publication of these price-lists, amounting sometimes to £300, were defrayed by subscriptions of the workmen⁴. But as all did not contribute to them properly and equally, the men elected in 1805 a "committee of ways and means," which levied contributions according to the number of looms worked on by a journeyman⁵. But as the masters frequently endeavoured to violate the list agreed on before the magistrates, further subscriptions were required, first to assist those workmen who had been discharged for insisting on their lawful wages, until they should again get work, and then for prosecuting in court those masters who violated the law⁶. This led to a confederation of those journeymen who were more zealous for the common weal, into a Trade-Society.

According to its statutes⁷, the "Rules to be observed by a few friends called the Good Intent," it had as standing officers only a few collectors of contributions, who were called "The Finance," and, besides, a paid secretary. The entrance-fee was twopence, the weekly contribution a halfpenny. If a member was out of work he received a donation. Yet this case was evidently a rare one, as is proved by the rule of the statutes, that in case of more than one journeyman being out of work, the sum which was to be applied to the assistance of men out of work should not be augmented, but equally distributed between them. This proves therefore, apart from the distinct evidence on the point, that after the enactment of the Spitalfields Acts no more strikes occurred; that strikes were not the object of the society. And indeed, as the journeymen could protect their interests at law, there was no room for strikes. If differences broke out between masters and men, the latter chose a committee *ad hoc*, which was

¹ *Minutes*, p. 40; *Second Report*, p. 194.

² If the Spitalfields' Acts should be repealed, "I should in all probability leave the trade, and for this reason: I allude to no individual, but I have sufficient experience of human nature, and I have seen enough to know, that there are many people who would so oppress the poor to get goods manufactured very cheap, that I should not have a disposition to enter into competition with them, and I should in all probability retire from the trade." (*Minutes*, p. 43.)

³ *Second Report*, p. 188.

⁴ *Ibid.* p. 54.

⁵ *Ibid.* p. 56.

⁶ *Ibid.* pp. 59, 194.

⁷ Compare as to this Trade-Society the *Second Report*, pp. 54, 56, 57, 59, 165, 166, 168, 180, 188, 194, 195, 196.

again dissolved after the case had been settled. The journeymen sometimes also elected on this committee masters who had before been workmen themselves, and who, even after their rise, had known how to preserve the confidence of their former associates. This committee prosecuted, in the name of the journeymen, those employers who violated the said Acts. It represented them also whenever a new price-list had to be fixed. In opposition to this society of the journeymen the employers formed another, with the object of defending its members in court when prosecuted by the journeymen. It also represented the masters on the settlement of a new price-list. Whenever such a new price-list was to be fixed, the committees of both societies met; and after an agreement as to the prices had been come to, the committee of the journeymen brought the change, or the new regulation, before the magistrates to receive their sanction. The complaint of the employers, that the magistrates regulated the prices always more according to the statements of the workmen than according to theirs, proves that the journeymen were not badly off under these legal regulations of prices. Sometimes, also, such new regulations led to discussions before the magistrates. But "in most cases," says a master silk-manufacturer, "where a dispute as to the fixing of prices has occasioned a discussion before the magistrates, it has arisen from the contending masters not being operative weavers; there would not then (i. e. if they had been operative weavers) be such disputes as there have been, as the masters were not capable of answering those articles which the journeymen have put them." On the 4th of December, 1813, the journeymen's society consisted of 83 members, and was in possession of £5 8s. 11½d. In October, 1817, its finances seem to have been embarrassed. It accordingly circulated an address to its members, calling for contributions. This address gives at the same time an account of the society's operations. "Within the last nine months upwards of fifty persons (by means of the Trade-Society) have obtained the lawful prices of their work, which was withheld from them to a very great extent by their employers; the expenses of obtaining which, with other things, have borne so heavy upon your finances, that you are embarrassed to a very large amount."

After a contest of almost a hundred years—for the violations of the 5th Eliz. c. 4 began about the eighteenth century—the master-manufacturers at last obtained the victory in 1814. For the woollen manufacture the Statute of Apprentices had previously been repealed; by the 54th Geo. III. c. 96 the industrial system, which was as old as the Craft-Gilds, was abolished for all trades. Indubitably, the condition of things before this repeal

had become untenable ; for whilst the law was nominally in force, it was practically not observed. All agreed, therefore, that a new law had become necessary. But whilst some wished for the amendment of the statute, others desired its entire repeal. Petitions were presented to Parliament by the followers of both views. But whilst 300,000 were for the maintenance of the statute, there were but 2000 for its repeal¹. A Parliamentary Committee was appointed in 1813 to inquire into the facts of the question. All witnesses examined were against the repeal. The arguments of the workmen brought round to their side even the Chairman of the Committee, who had formerly been little inclined to their views². The workmen's petitions also laid particular stress on the point, that by the thitherto prevailing laws the journeymen lawfully educated for their trade had acquired a right similar to property, and that the repeal of the statute of Elizabeth would be to them what the deprivation of land or any other property would be to owners thitherto protected by the laws³. And, indeed, in this the workmen were right. For what else is land but an opportunity of getting an income? and what else had the journeymen acquired by their seven years' apprenticeship, and by the expenses incurred for their education in the trade, but the opportunity of getting an income? and does not our age, which on expropriations pays compensations to land-owners for the loss of this opportunity, owe such compensations also to those journeymen; at the least to the amount of the cost incurred by their education to their trades during the seven years required? But we acknowledge only rights of capital, and these only when they are fixed in saleable commodities.

The debates in Parliament on the repeal of the statute show as its enemies, either employers or mere theoreticians, who, with the entire superciliousness of the followers of a still young theory, spoke with contempt of the glorious reign of Queen Elizabeth as of the time when nothing was yet known of the infallible doctrine of the new era⁴. It is remarkable, however, that these enlightened adherents of the new theory differed from Adam Smith in his justification of combinations of workmen⁵. The employers, on the other hand, described this openly as a chief reason for the repeal of the statute, that the seven years' apprenticeship restricted the number of workmen, and thereby enabled them to combine with success against their masters⁶.

¹ *Hansard*, vol. xxvii. p. 574.

² *Ibid.* p. 570.

³ See *Report from the Committee on the Petitions of Watchmakers of Coventry, &c.*, July 11, 1817, p. 47.

⁴ Compare *Hansard*, vol. xxvii. pp. 564, 572, 884.

⁵ *Hansard*, vol. xxvii. p. 572.

⁶ *Ibid.* vol. xxvi. p. 213.

The spirit of the repealers may be seen by the assertion, that "the persons most competent to form regulations with respect to trade were the master-manufacturers¹." Thus at last the statute was repealed in the interest of the employers.

I am not going to criticise further here the repeal of the 5th Eliz. c. 4, but I may be allowed a word on the dodge of the cry against State or Government interference by which this repeal was carried, and so many other regulations of trade desired by the workmen were refused. It seems to me, on the contrary, that this repeal was an interference; and I can also imagine refusals of such regulations, which would constitute interferences. For what does interference mean? Evidently an unjust meddling with the affairs of another. But what is the State, and what is Government; or rather, what ought they to be? The State is the organization of the people, and Government the natural centre of popular life. When this is really the case, there can be no question of State interference, so long as the State fulfils the will of the people. For nobody who acts according to his own will can be said to interfere with himself. The whole term "State interference" presupposes therefore a condition of the State as it ought not to be; it presupposes a State which is something else than the organization of the people, a government which is not the natural centre of popular life; both, something foreign to the people. And such *was* the State when the 5th Eliz. c. 4 was repealed, and when those regulations of trade were refused. If it had been otherwise, it would not have acted in favour of the 2000 against the interests of the 300,000; and, in the case of those refusals, not against the expressed will of the majority of the interested part of the people. This repeal, and these refusals, were acts of interference on the part of a minority with the wishes of the people. And, indeed, the then existing Parliament did not even nominally represent the latter. This was also shown by the debates on the repeal. A general want of interest prevailed on the deliberation of a law of such grave importance to the life of the people; the House was even counted out².

The repeal of the 5th Eliz. c. 4 declared the state of industrial disorganization and disorder as the only lawful state. This state became only too soon the prevailing one in all trades. Parliamentary reports³ on the condition of the ribbon-trade and the silk-manufacture at Coventry, Nuneaton, and Macclesfield, describe, as the immediate consequence of the repeal, such a

¹ *Hansard*, vol. xxvii. p. 572.

² *Ibid.* vol. xxviii. p. 14.

³ See the two above-referred-to *Reports on the State of the Ribbon Trade* (p. clxxxix, notes 1, 2).

growth of the system of sweaters and half-pay apprentices, that the journeymen were driven to famine, and the female workers to prostitution¹. "Whilst the statute of the 5th Eliz. was in force," says the Report, "the distressing circumstances now complained of never occurred." The whole of the masters and weavers, therefore, petitioned in 1818 for the extension of the Spitalfields Acts to the silk-trade in the said places. Reports of the years 1817 and 1818 give an absolutely identical account of the condition of the Watchmakers at Coventry². Further, as the justices of the peace no longer assessed wages after having heard masters and men, the workmen now endeavoured to introduce regulation of wages by statement-lists of prices, agreed upon by masters and men³. But they were violated upon every occasion by the employers. The words which Pitt⁴ spoke on the subject of the Arbitration Act were now completely fulfilled. "The time will come," he said, "when manufactures will have been so long established, and the operatives not having any other business to flee to, that it will be in the power of any one man in a town to reduce the wages, and all the other manufacturers must follow. If ever it does arrive at this pitch, Parliament, if it be not then sitting, ought to be called together, and if it cannot redress your grievances, its power is at an end. Tell me not that Parliament cannot—it is omnipotent to protect." The workmen were quite of the opinion of Pitt, and numberless were the petitions which, after 1814, they addressed to Parliament for the legal regulation of their trades. But as Parliament thought it could not redress their grievances, they tried self-help. After the repeal of the Act of Elizabeth combinations and unions therefore arose in all trades. But whilst, on the one hand, the workmen were refused legal protection, self-help, in consequence of the 39th and 40th Geo. III. c. 106, was considered a crime. In 1818, bail to the amount of £200, and two sureties for £100 each, were required for the appearance of a common workman at the next Session to answer a charge of combining⁵. The greatest mischief was, however, that the Combination Laws, by confounding right and wrong, led men to

¹ *Minutes of Evidence on the Ribbon Trade*, March 18, 1818, pp. 5, 24, 33.

² *Report from the Committee on the Petitions of Watchmakers at Coventry, &c.*, July 11, 1817; *Report from the Select Committee to consider the Laws relating to Watchmakers*, March 18, 1818.

³ Compare especially, as to the Silk-weavers of Macclesfield, the *Second Report on the Ribbon Trade* referred to; moreover, the *Report on Petitions of Several Weavers*, June 13, 1811.

⁴ I quote from Mr. Maxwell's speech, May 15, 1834, *Hansard*, Third Series, vol. xxiii. p. 1091.

⁵ *Report of the Artisans' Committee*, 1824, p. 405.

regard with less aversion things really vicious. The people, in their despair, did not shrink from the greatest deeds of violence and the most infamous crimes, in self-defence. The Combination Laws had deteriorated the character of the people to such a degree, that even after their repeal in 1824 such deeds of violence still occurred, as was disclosed by the Cotton-spinners' trial at Glasgow in 1838; and in several trades the instances descend, as we all know, to the latest times.

I will now briefly sum up the evidence with regard to the origin of Trade-Unions, supplied by this sketch of the condition of the workmen in the several trades during their transition from small to great industry. We see first that the old regulations of trade by the Craft-Gilds and by the 5th Eliz. c. 4—which had originally been ordained in the interest of the public for securing good quality of work—now appear as really framed for the “better relief and comoditie of the poorer sorte.” Wherever an alteration of the order established by them occurred, the artisans and small masters were menaced in their secure and well-to-do situation, and the harmony between masters and men was destroyed. And as soon as attempts were made to abolish this order, and legal protection was refused, the men combined for its maintenance. I refer to the instances of the combinations of the Framework-knitters in 1710, of the Clothworkers in 1720 and 1756, and to the London Silk-weavers before the enactment of the Spitalfields Acts. And, indeed, in the time after the repeal of the Statute of Apprentices it was notorious that wherever labour was not regulated by law, or by an order agreed upon by masters and men, combinations of workmen prevailed.

As soon as the disorganization spread and the gravest abuses became general, whilst the prospect of a maintenance of order by the State disappeared, the workmen formed their Trade-Unions against the aggressions of the then rising manufacturing lords, as in earlier times the old freemen formed their Frith-Gilds against the tyranny of medieval magnates, and the free handicraftsmen their Craft-Gilds against the aggressions of the Old-burghers. And like the objects of those Gilds, the object of the Trade-Unions was the maintenance of independence, and of an entire system of order, in a time of industrial and social club-law. The Clothworkers give an example of this. Already, in 1796, the non-observance of the 5th Eliz. c. 4 had become so general in the cloth trade, that the trustees of the cloth-halls at Leeds admitted to them masters who had served no appren-

¹ Compare the *Second Report on the Ribbon Trade* of 1818, p. 60.

ticeship. And in the same year there arose a Trade-Society of workmen for the maintenance of the customary order. Thus also originated the Congress of the Hatters, the Union of the Calico-printers, and the rest of the above-mentioned Trade-Societies.

But these societies arose only when those who had hitherto been obliged to protect the order of the trade refused this protection. Thus the Stocking-makers' Association for Mutual Protection was only formed after the London Framework-knitters' Company had proved itself either unwilling or insufficient to maintain the regulations of the trade. The Clothworkers formed an Institution in 1803 only, when the trustees of the cloth-halls had ceased to perform their duty. But as soon as the trustees again showed themselves ready to fulfil that duty, the Institution was dissolved. And with this agrees Sheridan's account of the combinations of the Calico-printers. The societies themselves also only resorted to self-help to maintain their regulations when legal aid was denied them. Thus Trade-Unions arose in all trades under the 5th of Elizabeth, first, for the legal prosecution of employers who had violated this Act; and, indeed, in the silk-trade the Trade-Society existed merely for the better execution of the Spitalfields Acts. On the other hand, we find incendiarism by the Clothworkers on the suspension of the 5th of Elizabeth, and riots of the Framework-knitters on the refusal of protection by the legislature.

Originally the organization of the Trade-Society comprehended all the workers of a trade in the place: thus was it with the Silk-weavers, with the Calico-printers, with the Institution of the Clothworkers. Likewise the amount of contributions depended originally on the free-will of the members. It is only later that we find closer and more restricted associations among the more zealous, and fixed contributions. As combinations of workmen were prohibited, especially after the 39th and 40th George III. c. 106, Benefit-Societies were frequently made the cloak of Trade-Societies. Such Trade-Societies were the Friendly-Society of the Clothworkers in 1802, the Benefit-Club of the Liverpool Shipwrights, the Scissor-smiths' Benefit-Society at Sheffield: and indeed this was almost the rule until 1824¹. During the whole of the Middle Ages after Charlemagne, the Political Gilds abroad concealed themselves in like manner under cover of the Religious Gilds².

¹ See the ninth resolution of the Committee of the House of Commons in 1824.

² See Pertz, vol. i. p. 68, cap. 10. Oudin-Lacroix, pp. 423-425, cites a series of prohibitions of Religious Gilds by councils, kings, and barons, because they were "*conjuraciones vel conspiraciones laicorum, quibus nomen confraternitatis imponunt, impietatem pollicentes sub nomine pietatis.*"

Mr. Dunning's account of the London Bookbinders' Society shows also that societies first instituted merely for the purpose of "taking a social pint of porter together," changed afterwards into Trade-Societies. Such changes of Friendly-Societies may often have happened. I have pointed in Part IV. to the similar transformations of Religious into Craft-Gilds¹. If in the times of the Craft-Gilds in England journeymen's Associations had existed there like those on the Continent, there can be no doubt that later on Trade-Unions would also have arisen from those Associations. I have already referred in Part IV.² to the different points by which this opinion can be supported. The Trade-Society of the Calico-printers also showed similar regulations to those that prevailed in the German journeymen's Associations.

The rules of Trade-Societies cited in the foregoing pages are still very imperfect. Yet even they show the essence of the Gilds as defined in Part I.³ Like the oldest Gild-Statutes, they show merely the outlines of an organization. The system is not yet worked out into details. But if one considers the statutes of one of our modern Trade-Unions, as, for instance, those of the Amalgamated Engineers, one finds an organization elaborated into the minutest details, which is very similar to the later Craft-Gilds. It would be very interesting to show from the history of this queen of Trade-Unions, which now (like the Hanse in former times) has its ramifications in all parts of the world, how its organization gradually developed itself in the same phases as that of the old Gilds did. Attempts at General Trade-Associations by the Trade-Unions were also not wanting, quite as vain and short-lived as the German Town-Confederations. I refer to the National Association for the Protection of Labour of 1830, and to the later similar experiment of Thomas Duncombe. It would also be very interesting to show how the workmen, after the disuse of the customary regulations of wages, laboured continually to bring about an orderly condition of wages by statement-lists of prices; how they were constantly opposed in this, on principle, by the employers, who would not suffer restrictions where they considered themselves as alone having rights, until, in consequence of the threatening attitude of the workmen, they have, since the example set by Mr. Mundella, agreed at last to an institution which is nothing but an amended edition of the regulation of wages by the Craft-Gilds⁴. And in some noble instances

¹ See p. cxviii, above.

² See pp. clix, clx, above.

³ See p. lxvii, above.

⁴ See pp. cxxxvi, cxl, note 2, above. It appears from the *Report on the Petitions of Several Weavers*, June 13th, 1811, that statement-lists of prices, agreed on by masters and men, existed early in the eighteenth century in the Cotton-

we already see the return to the sharing of profits with the workmen, as it existed in Bruges before the degeneration of the Craft-Gilds¹. I believe that to show this would not only produce a "dim" consciousness that "the world is settling into a new order after more or less of disorder²," but that it would prove that social order has to a great extent already taken the place of disorder³. But to prove this in detail would require special essays which cannot be added here.

I shall be satisfied now if I have proved that the spread of disorder called forth at once in each single trade Gild-like organizations of those suffering by it, to maintain the old order, or to create a new one. I wish only further to point to the fact that the English, among whom the old Gilds probably originated, have in this new movement again preceded all other nations. As each new political era has begun in England—whether they were barons who wrung from King John the *Magna Charta Libertatum*, or the middle-classes who in the seventeenth century obtained here first the dominion in the State—so the era of the working-classes comes first to development on English soil. And as in the earlier Middle Ages from the days of Charlemagne the Frith-Gilds, and in the thirteenth and fourteenth centuries the Craft-Gilds, so now the Trade-Unions will be the great engines for obtaining the sway. Already since 1824 they have enjoyed a kind of recognition; and already they have fought contests quite as fierce as, if not fiercer than, those of the old craftsmen against the patricians. The history of their sufferings since the end of the eighteenth century, and of the privations endured for their independence, is a real record of heroism. It is only to be hoped that now, when they are free from all legal restrictions, they may use only—instead of the arms of violence, which belong to former times—the legal means which belong to our days, and which are thrown open to them by the franchise. May the English working-men, like the English barons and middle-classes in former times, be a bright example in the attainment of freedom to their brethren on the Continent!

trade. About the beginning of this century they fell into disuse. Masters and men therefore petitioned Parliament in 1811 for the appointment of a Committee, consisting of both parties, which from time to time should regulate wages, and which would have been very similar to the boards of arbitration of Mr. Mundella or Mr. Kettle.

¹ See p. cxxxvi, above.

² Mr. Congreve in the *Fortnightly Review*, New Series, vol. v. p. 417.

³ Consider also the account of the Trade-Union of the "Knights of St. Crispin" in Massachusetts in the article in the *Spectator*, Dec. 11, 1869, on "The Workmen's Revolt in Massachusetts."

P.S. Attention may be called to the "History of the Holy Trinity Guild at Sleaford [in Lincolnshire], with an Account of its Miracle-Plays, Religious Mysteries, and Shows, as practised in the Fifteenth Century," &c., by the Rev. G. Oliver, D.D. Lincoln, 1837. 5s. The account of the Gild—a Social or Religious Gild—is provokingly meagre, and the amount of talk in the book very great; but it states, at p. 50, that an ancient MS. Computus Book belonging to the Gild was then in the possession of Dr. Yerburch, the Vicar; and that it ranges from A.D. 1477 to 1545, when the Gild was dissolved at the Reformation, though two later informal entries in 1585 and 1613 are made in it. I have sent inquiries after this book. Dr. Yerburch's History of Sleaford may contain further information about this Gild. Dr. Oliver, at p. 52, note 20, states the income of the Sleaford Gild at 80*l.*, while that of the three principal Gilds at Boston was less, the Gild of Corpus Christi there being valued at 32*l.*, that of the Virgin at 24*l.*, and that of St. Peter and St. Paul at 10*l.* 3*s.*—F. J. F.

I.



RETURNS,

IN ENGLISH,

MADE TO THE KING IN COUNCIL,
BY ORDER OF PARLIAMENT,

AS TO

THE ORDINANCES, USAGES, PROPERTIES, &c.

OF

ENGLISH GILDS,

IN THE TWELFTH YEAR OF RICHARD II: A.D. 1389.

FROM THE ORIGINALS,

IN THE

PUBLIC RECORD OFFICE.

THE original of each of the Returns here printed is contained in a separate record. Few of these records are in a good state: many of them are in a very bad state; while in several cases a part has been eaten away, or become otherwise destroyed. The following methods have been therefore adopted, in the hope of making the documents more intelligible, and more convenient for reference.

Some of the original Returns are headed by the name of the place whence they come. In every such case, that name is here put, with the spelling used in the original. Where there is no such heading, the name of the place where the Gild was in fact established is here put, between brackets. And in every case where the Gild had any distinctive name, and that name is not contained in the heading of the original Return, it is here put, between brackets, before the name of the place.

To every heading a note is added, stating where the Return is to be found, among the three Bundles in which, as is fully explained in the Introduction, all these Returns are now kept. The serial number of each Return is given, as this was found marked in pencil in the Bundle, at the time when copies were made for the present work. A statement of the condition in which the original writing is now found is added.

In many cases, although the original record has been eaten or decayed, the sense can nevertheless be made sure of. In such cases, this sense is here given, either in the marginal abstract, and without words inserted in the blank, or by the insertion, in italic type and between brackets, of what seem likely to have been the actual words that are now destroyed. In a very few instances, a single word, accidentally omitted by the writer of the Return, has been inserted between brackets, but not in italics.

In printing these Returns, I have sought, by careful punctuation, and the use of hyphens and other usual modern means, to bring out the sense more clearly. The stops found in the originals are arbitrary, and are usually only the straight stroke, single or double, sloping from right to left. But, as there is no uniformity among these Returns in the manner of using those marks, the adherence to such methods of punctuation would be only confusing to the reader.

I.

[GILD OF GARLEKHITH, LONDON.*]

In þe worship of god almighti oure creator, and hys moder seinte marie, and al halwes, and seint Jame apostle, a fraternitee is bygonne of good men, in þe chirche of seint Jame atte Garlekhith in Londone, þe day of seint Jame, þe 3er of our lord m^l.ccc.lxxv., for amendement of her lyues and of her soules, and to noriche more loue bytwene þe bretheren and sustren of þe bretherhede: and eche of hem had sworn on þe bok, to perfourme þe pointz vndernethe wryten atte here power.

The gild was begun in 1375, to nourish good fellowship.

ffirst: al þo þt beth, oper schul be, in þe same bretherhede, þei schul be of good loos, condicions, and beryng, and þt he loue god and holy chirche and his neighbours, as hooly chirche maketh mencion.

All bretheren must be of good repute.

Item, who þt entryth in þe same ffraternite, he schal zeue at his entre, to þe comune box, _____ vj.s. viij.d.

Each shall pay 6s. 8d. on entry.

Item, þe forsaide bretherhede wil þt þer be wardeins þerof; which wardeins schul gadere þe qwarterage of bretheren and sustren, and trowelich 3yld here acompt þerof, euery 3er ones, to þe wardeins þt haue ben to-fore hem of þe bretherhede, wt oper wysest of þe bretherhede; þe which acompt euery 3er schal be þe morn after here fest.

There shall be Wardens; who shall gather in the payments, and yield an account thereof yearly.

Also, þe brethren and sustren of þe bretherhede, euery 3er, shul be cloped in suyt, and euery man paye for þt he hath.

A livery-suit shall be worn.

Also, þe brethren and sustren of þe bretherhede, at on assent, in suyt byfore sayd, shul euery 3er come, and hold to-geder, for

The bretheren and sisteren shall hold a yearly feast.

* CCCIX. 6. Condition, fair; but a piece destroyed in the middle.

to norishe more knowelech and loue, a fest ; which fest schal be þe soneday after þe day of seint Jame apostle. And euery paye þerto xx.d.

Two shillings a year shall be paid by each.

Also, eche broper of þe bretherhede schal paye, euery 3er, atte foure tymes oþer ones in þe 3er, ij.s., atte fir mast to-fore þe day of þe acompt of þe maistres, so þt þe wardeins mowe here acompt 3eld clerelich.

Four meetings, touching the gild's welfare, shall be held in each year.

Also, þe maistres and bretheren to-fore said, euery 3er schul foure tymes come to-geder, at som certein place, to speke touchyng þe profit and ruyl of þe forsaid bretherhede, of peyne of a pond wax to þe bretherhede.

Free gifts by the bretheren.

Also, eche broper oþer suster þt ben of þe fraternite, 3if he be of power, he schal 3eue somewhat in maintenance of þe bretherhede, what hym lyketh.

Ill-behaved bretheren shall be put out of the gild.

Also, 3if þer be in bretherhede eny riotour, oþer contekour, oþer such by whom þe fraternite myght be enslaundred, he shal be put out þerof, in-to tyme þt he haue hym amended of þe defautes to-fore said.

No livery-suit shall be sold within a year.

Al[so, þ]e brethren and sustren of þe bretherhede þt taken of þe clo[þes of he]re suyt, þey ne shul noght do it away wit-in þe [3er after þe] takyng.

On death of any, all the rest shall join in the burial service, and make offerings, under penalty.

[Also, 3if any brot]her oþer suster of þe bretherhede dye, al þe oþer [schul comen to þe plac]e bo and dirige, and in morun atte messe, and offer [w hem whan þey be warn]yd, but 3if he may hym excuse reson[abely, oþer 3if he be] in seruice of kyng, oþer out of countre, [of peyne of i.lb.] of wax to paye to þe forsaide bretherhede.

In case of quarrel, the matter shall be laid before the Wardens.

Also, ne broper ne s[uster of þe sai]d bretherhede ne schal noght debat with oþer. And [3if it] be so þt eny debat chaunselich falle among eny of hem, þt god defende, þey beyng in debat shul shawe and come þe cause of her debat to þe wardeins of þe forsaide broþerhede, and þe most wyse þerof : and þe same maistres and breþeren shul do her diligence trewly to redresse it, and make bytwene hem a good acord. And 3if eny be rebelle a3eins þt acord and ordinance, he shal be p[ut] out of þe bretherhede, and þe oþer haue his accoun by þe lawe, and þe

Whoever disobey their award, shall be put out of the gild, and the other shall be helped.

forsaide bretherhede shul be helpyng azeins þe rebelle and vn-boxhum.

Also, 3if any of þe forsaide broþerhede falle in such meschief þt he hath noght, ne for elde oper mischief of feblenesse, help hym-self, and haue dwellid in þe bretherhede vij. 3er, and done þerto alle þe duytes with-in þe tyme; euery wyk aftir, he schal haue, of þe comune box, xiiij. d., terme of his lyf, but he be recouered of hys mischief.

Weekly help to all seven-year bretheren, in old age and in sickness,

Also, 3if any of þe forsaide bretherhede be enpresoned falslich by enme, oper by fals conspiracie, and haue noght for to fynd hym with, and haue also ben in þe brotherhede vij. 3er, and done þerto as it is byfore next sayd, he sha[Z] haue xiiij. d. duryng hys enpresonement, euery wyk.

and to those wrongfully imprisoned.

Also, þo þt comen here-after to þe bretherhede, as brethren oper sustren, he shal swere on þe papir, to-fore þe wardeins þerof, for to kepe wel and trewely alle þe pointz of þis papir atte here power.

New-comers shall swear to keep the ordinances.

Also, 3if any of þe brethren of the forsaide Bretherhede be chosen wardein in þe bretherhede, be he in toun oper out of toun, he shal take þe charge al-sone as he is warned þerof, and do his deuer as a wardein of þe bretherhede ought to do; and 3if he refuse þe same doying, he shal paie to þe same bretherhede xl.s.

Every brother chosen Warden, must serve, or pay 40s.

II.

[GILD OF ST. KATHERINE, ALDERSGATE, LONDON.*]

The Wardens of
the gild make a
return, as asked.

¹ (*sic*.)

Ricardus Brechford et Reginaldus Swetebon, ciues Londonie, Custodes ffraternitatis Sancte Katerine, fundate in ecclesia Sancti Botulphi in Aldrichesgate, Londonie, veniunt coram concilio domini Regis, in cancellaria sua apud Westmonasterium, videlicet tricesimo die mensis Januarii, anno regni Regis Ricardi secundi duodecimo, et secum ibidem deferunt et apportant, in quodam rotulo scripto, totam formam auctoritate¹, fundacionis, incepcionis, continuacionis, et regiminis, fraternitatis predictæ, vt in rotulo huic cedula annexo plenius continetur; facturi et recepturi inde quod per concilium domini Regis ordinari contigerit, iuxta formam cuiusdam proclamacionis inde facte in ciuitate predicta.

These are the
ordinances of the
gild:—

Oath on entry,
and a kiss of love,
charity, and
peace.

Weekly help in
poverty, old age,
sickness, or loss
by fire or water,
&c.

These ben þe poyntz and þe articles ordeyned of the bretheren of seint Katerine in the cite of Londone, the whiche is founden in the chirche of seint Botulf with-out Aldrichesgate.

The furste poynt is this, þat whan a brother or a suster schal be resceyued, þat þey schul be swore vpon a book to þe brotherhede, for to holde vp and meyntene þe poyntz and the articles þat be write after folwyng, eche man to his power, sauynge his estat; and þat euerich brother and suster, in tokenynge of loue, charite, and pes, atte resceyuyng schule kusse eueri other of þo þat be pere.

Also, 3if it so befallæ þat any of þe bretherhede falle in pouerte, or be anientised thorw3 elde, þat he may nat helpe hym-self, or thorw3 any other chaunce, thorw fyr or water, theues or syk-

* CCCIX. 9. Condition, fair.

nesse, or any other happes, so it be nat on hym-selue along, thorw³ his owne wrecchednesse, þat he schal haue, in þe wyke, xiiij.*d.*

Also, þat what man is take in to be brother, schal paie to þe almesse, at his entre, as þe maystres and he mowe acorde; and eueri quarter, for to meyntene þe lizt and þe almesse of þe broperhede, iij.*d.* And 3if he haue a wyf, and 3he wil be a suster, þan schal he paie six pans for hem bothe in þe quarter, þat is, ij.*s.* in the 3eer: and 3if a sngle womman come in to þe broperhede, paie as a broper dop.

Payments by
bretheren and
sistren.

Also, that alle the breperen and sustren of þe foreseid ffraternite, schul assemble to-gydere in the chirche of seint Botulf aboue seid, in þe day of seint Katerine, and þere a masse here, and offre in þe worschepe of here: and also at after-non þe same day, or þe nexte sonday folwing, schul be to-gydere to chese here maistres for þe nexte 3eer folwyng.

Members of the
gild shall go to
church, and
afterwards choose
officers.

Also, what tyme þat a brother is ded or a suster, that they come to þe dirige and offre w^t hem on the morwe, vpon þe oth aboueseid, but he haue a resonable cause to be excused.

Burials shall be
attended.

Also, 3if any brother deye, þat hap nouzt of his owne to be beried withe, 3if it may so be ataken, þanne schal he be beried w^t þe moneye of þe comune box.

The gild shall
bear charge of
burials.

Also, 3if it so befalle þat any of þe breperen falle syk x. myle eche weyes aboute Londone, and deye þer, þat 3if þe wardeyns of þat 3eer be of sent after, þat þey schul wende and fecche hom þe body to Londone; and þat alle þe breperen schulle be redy at here warnyng, and go azens þe body, w^t-oute þe cite townes ende, for to bringe þe body in to þe place pider withe worschepe, als he schal be brouzt vpon her charge aboue seid, but he haue a verrey enchesoun to be excused.

Any brother
dying within ten
miles round
London, shall
have worshipful
burial.

Also, þat alle þe costages that be mad aboute hym be mad good of þe box, 3if he were nat of power to paie perfore hym-self; and 3if he were of power, lete his executo's paie perfore hem-self: but how-so it befalle, þt þe costages of þe wardeyns be maad god of þe box.

All costs thereof
shall be made
good by the gild.

Also, 3if cas fallethe þat any of þe brotherhede haue nede for

Loans to gild-

bretheren out of
the gild stock, on
pledge or surety.

to borwe a certain of seluer, þat þey go to þe keperes of þe box,
and take þat he hæp nede, so þat þe somme be nat so moche þ^t
on may be esed as wel as an oþer, and þat þey leye a suffisaunt
wed, or elles fynde suffisaunt borwes of þe broperhede.

Wax lights to be
found, and used
at times named.

Also, þat þer schul be founde v. tapres rounde, the wighte of
xx.^{li.} of wex, for to ben ilizt on heye feste dayes, alle v. atte alle
þe houres of þe day, in worschepe of god, and of his moder
maiden marie, and seint Katerine þe gloriouse virgine and
martyr, and of alle halwen. And on sondayes and on othere
symple festes, two schul be lizt of þe fyue tapres atte heize
masse. And ȝif it so bifalle þat a symple brother dye, þat may
nouȝt fynde hym-selue no lizt, þanne þo v. tapres schul be mad
newe, and set aboute þe body, and þe torches also; and whan
any brother is ded, that he haue þo torches redy to brynge hym
withe to cherche ȝif nede be.

Further services
after death.

Also, whan a brother or a suster is deed, the wardeyns schul
warne þe frere menors that they come to þe place þer he schal be
beried, and seye þer a dirige, and on þe morwe to seie a trent
of masses atte same freres; and þe wardeyns schul paie hem for
here trauaile.

New comers by
assent only.

And þat no brother schal be resceyued but vpon þe day of
oure assemble, at al þe companyes assent.

Four men shall
keep the goods of
the gild, and
render an account
yearly.

Also, þer schul be foure suffisaunt men for to kepe þe catel
wel and suffisauntly; that on to kepe þe box, an-other þe keye,
and þat oþer two schul resceyue þe seluer for þe quarterage; and
þe foure schulle trewely ȝiue vp here acompte vpon seint Katerine
day, byfore al þe breþeren, or elles before sixe of þe wisest men
þat ben to þe catel and to þe companye forseid.

Assent of all the
gild to new
ordinances.

Also, þat þer schal non of þe wardeyns make none newe
statutes ne newe ordinances w^t-oute assent of alle þe bretherhede,
and þat it be don on þe day of here assemble.*

Goods of the gild.

And to þis breþerhede þey haue a vestement, a chalys, and a
massebok, pris of x. marks.

* This paragraph is distinguished, in the original, by a strongly marked
cross at the side, clearly for the purpose of marking its importance.

III.

[GILD OF STS. FABIAN AND SEBASTIAN, ALDERSGATE,
LONDON.*]

These ben þe poyntes and þe articles ordeigned of the brother-
heed of seint ffabian and sebastian in the Cite of Londone,
þe whiche is founden in þe chirche of seint Botulf with-oute
Aldrichesgate.

Ordinances of the
gild.

Magistri fraternitatis Johannes Dancastre, lymenor.
Ricardus Spaigne, pelliparius.

Names of the
Masters.

The furst poynt is this; that whan a brother or a suster schal
be receyued, þey schul be swore vpon a book to þe brotherhede,
for to holde vp and meyntene the poyntes and the articles þat
be write after folwyng, eche to his power, sauynge his estat;
[and] þat euerich brother and suster, in tokenyng of loue and
charite and pees, atte resceyuyng schul kisse oþer of þo þat
ben þer.

Oath on entry,
and a kiss of love,
charity, and
peace.

Also, ȝif it so bifalle that any of the brotherhede falle in
pouerte, or be anyentised thurwȝ elde, that he may nat helpe
hym-self, or thurwȝ any other chaunce, thurwȝ fyr or watir,
theues or syknesse, or any other hap, so it be nat on hym-selue
alonge, ne thurwȝ his owne wrecchednesse, he schal haue, in þe
wyke, xiiij.d. And ȝif it so befalle þat he be ȝong ynowȝ to
werche, and he falle in meschef, and þat it may be take þat he
ne hath nouȝt of his owene to helpe hym-self withe, that the
bretheren helpe hym, eche man wt a porcioun, what his wille be,
in wey of charite, sauynge his estaat.

Weekly help in
poverty, old age,
sickness, or loss
by fire or water,
&c.

The young to be
helped to get
work.

* CCCIX. 10. Condition, fair, excepting some lines at the end.

Payments by
brotheren and
sisteren.

Also þat eueri man schal paie, atte ffurste comynge in to the brotherhede, half a mark, and iij.d. eueri quarter, to meyntene þe lizt of þe brotherhede and þe almesse ; and 3if þe man wil haue his wyf a suster, þan schal þt paiement stonde for hem bothe, and 3he to paie in þe quarter othere iij.d., that is, two schillinges in þe 3eer for hem bothe. And 3if a sengle womman come in to the bretherhede, 3he schal paie no lasse þan a brother doth.

Four days of
meeting in the
year ; when all
must attend,
under penalty.

Also, þat euery brother and suster schul be boxom, and come, whan þey be warned, to a certeyn place whider þat þey be assigned, foure dayes in the 3eer, vpon the oth þt þey haue maad, and on þe peyne of xl.d. to paie to þe box ; and þis schal be peyne for alle manere defautes þat þe breperen falle inne. And þese ben þe foure dayes of oure assembles :—The day of seint fabian and sebastian principaliche, herynge a masse of þe foreseid seintz, and offre in worschepe of hem, on þe peyne forseid. The seconde day, þe sonday next after Pask. And þe sonday next after mis-somer day. And þe sonday next after micheles day. Vpon þe peyne afore-seid, but he haue a verrey enchesoun wherfore þt þey mowe be excused.

Burials shall be
attended.

Also, what tyme þat a brother is ded, or a suster, that they come and offre with hem, whan þey be warned to come, vpon þe foreseid peyne, but 3if he haue a verrey enchesoun to be excused.

The gild shall
bear charge of
burials.

Also, 3if any brother dye þat hath nouzt of his owene to be beried with, 3if it mowe be so ataken, þanne þat he be beried of þe comune box.

Those dying
within ten miles
round London,
shall be fetched
to London for
burial.

Also, 3if it befalle þat any of þe bretherhed falle syk x. mile eche weyes aboute Londone, and deyeth there, that 3if þe wardeyns of þat 3eer ben sent after, þat they schul wende and fecche þat body to Londone, and that alle þe bretheren be redy at here warnynge, and go azens þe body w^oute þe citees ende, for to bringe þe body in-to þe place w^t worschepe þider, as he schal be brouzt vpon þe fore-seid peyne. And þat þe costages aboute hym be mad good of þe box, 3if he were nouzt of power to paie perfore hym-selue ; and 3if he were of power, lat his executors paie perfore hem-self : but how-so it falle, þat þe costages of þe wardeyns be mad good of þe box.

Also, ȝif caas fallethe þat any of þe breþeren haue nede to borwe a certein of seluer, that þey go to keperes of þe box, and take what he hath nede of, so þat þe somme be nat so moche þat on may be esed as wel as an oþer, and þat þey leye a suffisaunt wed, or elles fynde suffisant borwes of þe broþerhede; and þat non oþer borwe non þerof but of þe same broþerhede.

Loans to gild-brethren out of the gild-stock, on pledge or surety.

Also, þat þer schul be founde vij. tapres rounde, the wighte of xxj.^{li} wex, for to be lizt on heize ffeste dayes, all seuene at alle houres of þe day, in worschepe of god and his moder marie, and seint ffabian and Sebastian, and of alle halwes; and on sondayes and on othere symple ffestes, two to be lizt of þe taperes at þe heize masse. And ȝif it so befalle þat a symple broþer dye, þt may nat fynde hymself no lizt, þanne þo vij. tapres schul be mad newe and set aboute þe body, and þe torches also; and whan any broþer deieþ, þat þey haue þo torches redy to bringe hem to chirche ȝif nede be.

Wax lights to be found, and used at times named.

Also, ȝif any of þe breþeren be alosed of þeste, or a comune contecoꝝ, or of any oþer wykked fame, wherfore þat þe companye is apaired by, þat with-oute any delay þat þey be put out of þe breþerhede.

Ill-behaved brethren shall be put out of the gild.

Also, þat no broþer schal be resceyued but on þe dayes of oure assemblies.

Entry of new brethren.

Also þt foure gode and trewe men schul kepe þe catel longynge to þe companye, and trewely ȝiue vp here acounte þe day of seint ffabian and sebastian byfore alle þe breþeren, or elles sixe of þe wiseste of þe same bretheren; and eche ȝeer þe foure schal be chaunged, but it so befalle þat þey be þe more profitable to þe companye.

Four men shall keep the goods of the gild, and render an account yearly.

Also, þat þer schal non Wardeins make non newe statutz ne newe ordinance w^t-oute assent of alle þe bretherhede, and þat it be don on on of þe foure dayes aforeseid.

Assent of all the gild to new ordinances.

De bonis et catallis eidem fraternitati pertinentibus.

Goods of the gild.

In primis, duo vestimenta et unum calicem et missale. . . .

Item, vnum xiiij.s.

Item, in auro et argento in pixide xiiij.s. iiij.d.

[In dorso.]
Grant of a house
in Aldersgate,

Omnibus Christi fidelibus ad quos presens scriptum peruenit, Johannes de Thorntone, ciuis Londonie, et Johanna vxor ejus, vxor quondam Johannis de Thame, ciuis et Hatter Londonie, ac executrix testamenti predicti Johannis de Thame, salutem in domino. Cum predictus Johannes de Thame, in testamento suo, probato, proclamato, et irrotulato, in hustengo Londonie de placitis terre tento die Lune proxima post festum sancti Barnabe apostoli, anno regni Regis Edwardi tercii post conquestum vicesimo tercio, legauerit totum illud tenementum suum cum pertinentiis, quod perquisiuit de domino Willelmo Lothewyk, Milite, in parochia sancti Botulphi extra Aldresgate, Londonie, Margarete filie sue, et heredibus de corpore ipsius Margarete legitime procreatis, volens vltierus et legans in eodem testamento suo quod, si predicta Margareta obierit sine herede de corpore suo legitime procreato, quod tunc predictum tenementum cum pertinentiis venderetur per executores suos. Que quidem Margareta, sine herede de corpore suo legitime procreato, jam mortua est. Noueritis nos prefatos Johannem de Thorntone et Johannam vxorem ejus, virtute et auctoritate testamenti predicti, vendidisse, concessisse, et hoc presenti scripto nostro confirmasse, Stephano Vant, Bookbynder, cui Londonie, Johanni de Bokkyng, Webbe, cui Londonie, Philippo atte Vyne, Capere, cui Londonie, et Ricardo Lincolne, Hattere, cui Londonie, totum predictum tenementum cum omnibus suis pertinentiis, habendum et tenendum eisdem Stephano, Johanni de Bokkyng, Philippo, et Ricardo, heredibus et assignatis eorum, de capitalibus dominis feodi illius, per seruicia inde debita et de jure consueta, imperpetuum. In cujus rei testimonium, huic presenti scripto nostro sigilla nostra apposuimus:—Johanne Philippot, tunc Majore ciuitatis Londonie; Johanne de Heylesdoun et Willelmo Baret, tunc Vicecomitibus ejusdem civitatis; et Rogero Elys, tunc Aldermanno illius warde. Datum Londonie, primo die Octobris, anno regni regis Ricardi secundi post conquestum tertio.

worth 4*l.* 13*s.* 4*d.*
a-year, less quilt
rent of 13*s.* a-year;

Tenementum predictum valet per annum vij. marcas. Vnde reseruatur, de quieto redditu, annuatim, xiiij*s.*

Et tenementum predictum est in manibus feoffatorum predictorum, quousque imposterum, per licenciam domini Regis, the profits of which are applied in aid of the gild. ad opus predictæ Gilde siue fraternitatis, poterit amortizari; et iidem feoffati, ex deuotione sua, quando eis placuerit, soluunt redditum tenementi predicti in auxilium manutenendi lumen, et eciam pro emendacione vestimentorum predictorum, et in aliis operibus diuinis et elemosinis, prout in hac parte melius viderint expidire.*

* Each of the three paragraphs of this indorsement is written in a different hand and ink from the others. No doubt the reason of this was, that a different officer of the gild made each separate entry, taking it from such documents as were in his separate possession on behalf of the gild.

IV.

[GILD OF ST. MARY,] NORWICHE.*

The gild was
begun A.D. 1300.

¹ (etc.)

A candle and
torches to be
found, and used
at times and in
manner named.

In Dei nomine, amen. And in hono^r of oure leuedi seinte marye, cristes moder of heuene, and alle halwyn, þe ordenaunces off certeyn persones weryn be-gunnen in þe Cite of Norwyche, in yer of grace a thousande thre hundred and syxti, 3e 3er of regne of kyng Edward, þe thridde after þe conquest, xxxiiij., and perpetueli scha¹ ben holden, in þe hono^r of oure lady seynt marye, cristes moder, at þe heye auter in þe ffrere Prechours of Nortwyche.

Thus it is ordeyned : þat alle þe bretheryn and sistyn of þe gylde, als longe as xij. persones of hem lyuen, þei schullen offeryn a candel and to torches of wax ; and pis light þey han hoten and a-vowed to kepen and meynutenen, and þese opere ordenances þat ben vnder wreten, vp-on here power and diligence, in wyrschipe of crist and his moder ; and þe to torchis schullen ben of xl. *lib.* weyghte ; and alle þe brethren and sisterin schullen offeryn pis candel and þe to torchis, eueri 3er, þe sunday aftir þe natiuite of oure lady, and herin here messe at þe heye auter atte selue frere prechours ; and eueri brother and sister offerin an *ob.* wyth here candel and here to torches, in hono^r of þe holigost.

And þe to torchis, eueri day in þe 3er, schullen ben light and brennynge at þe heye messe at selue auter, from þe leuacioun of cristis body sacrid in til þat þe preest haue vsed.

† Thys ben þe names of þe men þat ben maystres and kepers of þe gylde :

Masters of the
gild, and goods
in hand.

Johannes Brocke, webster	} And pis men han
Henricus Wyld	
Johannes Hotere	
	in keypyng for þe
	same light, xl. <i>d.</i>

* CCCX. 17. Condition, fair.

† What follows is in another hand and ink.

V.

[GILD OF ST. BOTULPH,] NORWIC'.*

Excellentissimo principi et domino, domino nostro Ricardo, dei gratia Regi Anglie et francie, ac consilio suo in Cancellaria sua, sui humiles ligei, Custodes fraternitatis sancti Botulphi Abbatis in ecclesia sancti Botulphi, Norwici, omnimodam subieccionem ac reuerenciam et honorem. Virtute cujusdam proclamacionis, per vicecomitem Comitatus Norffolchie, apud Norwicum, de mandato regio nuper facte, vestre celsitudini nos prefati ligei vestri, juxta formam proclamacionis predictae, certificamus, quod nostra fraternitas predicta anno Domini millesimo ccc^{mo} octogesimo quarto fuerat incepta, ob honorem sancti Botulphi Abbatis, et luminis augmentum in ecclesia predicta singulis diebus ad missam ibidem dicendam continue sustinendi, sub certis ordinacionibus factis, quarum quidem tenor sequitur in hec verba :—

The Wardens of the gild make a return.

The gild was begun A.D. 1384.

The ordinances.

In nomine sancte Trinitatis, patris et filii et spiritus sancti, ac sancti Botulphi Abbatis, et omnium sanctorum, Amen.

In ye begynnyng it is ordeynede, yat yis fraternite shal be holden, at ye Chirche of seint Botulphe forsayde, on ye sonday next folowande ye Epiphany of oure lorde, ande yer offeren here Candel deuouteliche ; and euery brother and euery sister shal offeren a ferthyng at ye messe w^t ye candel ; ande ye bretheren and sisteren yat bene absent, shul payen a ponde of wax to ye light.

The gild shall be held on the Sunday next after the Epiphany.

Ande also it is ordeynede, yat alle ye bretheren and sisteren of yis fraternitee shul comen, on ye monday next folowande, to

Next day, they shall have a mass of requiem.

* CCCX. 18. Condition, fair.

ye Chirche forsayde, and yer haue a messe of requiem for alle cristen soules, vp ye peyn forseyde.

Burials shall be attended, and offerings made.

Ande also it is ordeynede, yat when a brother or sister deyethe, alle ye bretheren and ye sisteren of yis fraternitee shule comen to ye Dirige and to messe; ande euery brother and euery sister shul offre a ferthyng, and yeuen a ferthyng for loue of godd, a peny to a messe for ye soule of ye dede; and he shal haue, of ye bretheren costes, two torches and two candels brennand.

Help to poor bretheren.

And also it is ordeynede, yat what brother or sister of yis fraternitee falle in pouert, euery brother and sister shal yeuen ye pouer brother or syster a ferthyng in ye woke.

Goods of the gild.

Et quo-ad bona et catalla fraternitatis predictae, eidem celsitudini vestre similiter significamus, quod nos, prefati Custodes, habemus in custodia, ad opus dicti luminis sustentandi, xxvj.s. viij.d. argenti. In cuius rei testimonium presentibus sigilla nostra apposuimus.

VI.

[GILD OF ST. GEORGE,] NORWIC'.*

Excellentissimo principi et domino, domino nostro Ricardo, dei gratia Regi Anglie et ffrauncie, ac consilio suo in Cancellaria sua, sui humiles ligei, Custodes fraternitatis sancti Georgii Martyris, in ecclesia Cathedrali sancte Trinitatis Norwici, omnimodam subjeccionem ac reuerenciam et honorem. Virtute cujusdam proclamacionis, per vicecomitem Comitatus Norffolchie, apud Norwicum, de mandato regio nuper facte, vestre celsitudini nos prefati ligei vestri, juxta formam proclamacionis predicte, certificamus, quod nostra fraternitas predicta anno domini millesimo ccc^{mo} octogesimo quinto fuerat incepta, ob honorem gloriosi martyris sancti Georgii, et luminis augmentum in ecclesia Cathedrali predicta singulis diebus ad magnam missam ibidem celebrandam continue sustinendi, sub certis ordinacionibus factis, quarum quidem ordinacionum tenor sequitur in hec verba :—

The Wardens of
the gild make a
return.

The gild was
begun A.D. 1385.

The ordinances.

In nomine sancte Trinitatis, patris et filii et spiritus sancti, ac gloriosi martyris sancti Georgii, et omnium sanctorum, amen.

In ye begynnyng it is ordeynede, yat euery brother and sister of this fraternitee shullen halwen euermore ye day of seint George, and heren ye seruice of bothe ye euensonges and messe, and preyen for ye sisters and ye bretheren of yis fraternitee, and for alle trewe men yat trauaillen in ye kynges viage.

The day of
St. George shall
be always kept,

Ande also it is ordeyned, by comoun assent, yat ye forseide bretheren and sisteren shullen offeren a candel brennande in ye

and offerings
be made on that
day.

* CCCX. 35. Condition, good.

forsayde Chirche, on ye day of seynt George in ye worshepe of saint George, by-for ye Trinitee. Ande ye same day yei shul bene at ye Chaundelers by pryme of ye day ; and yat bene absent shul payen a pounce of wax to ye light ; ande euery brother and euery sister shall offeren an halfpenny at ye messe wt ye candel.

Next day, a mass
of requiem.

Ande also, yat euery brother and sister, on ye next day efter seint george day, shul comen to ye forsayde Chirche by pryme, and yer do synge a messe of Requiem for alle Cristen soules, vp ye peyn forseide.

Burial services
shall be attended,
and offerings
made.

Ande also it is ordeynede, yat when a brother or a syster deye-ethe, alle ye bretheren and sisteren of yis fraternitee shule comen to ye Dirige and to ye messe, ande euery brother and euery sister shul offeren a ferthyng, and yeuen a ferthyng for ye soule of ye dede, ande a peny to a messe ; ande of yat siluer he shal haue two candels poysand vj. pounce of wax.

Weekly help to
poor bretheren.

And also it is ordeynede, yat what brother or sister of yis fraternite falle in pouert, euery brother and sister shal payen, in ye woke, to ye keepers of yis fraternite, a ferthyng ; of whiche siluer ye pouer brother or sister shal haue, in ye woke, viij.d. ; ande ye siluer yat leueth, shal gone to ye makynge of ye Image of seint George.

Goods of the gild.

Et quo-ad bona et catalla fraternitatis predicte, eidem cel-situdini vestre significamus, quod nos prefati Custodes habemus in custodia, ad opus dicti luminis et dicte ymaginis sancti Georgii faciendi, xl.s. argenti. In cujus rei testimonium, pre-sentibus sigilla nostra apposui-mus.

VII.

FRATERNITAS SANCTE KATERINE, NORWIC'.*

Norwic'. Excellentissimo principi et domino, domino nostro Ricardo, dei gratia Regi Anglie et ffrancie, ac consilio suo in Cancellaria sua, sui humiles ligei, Custodes cujusdam fraternitatis sancte Katerine virginis et martyris, in ecclesia sanctorum Simonis et Jude in Norwico, omnimodam subjectionem ac reuerenciam et honorem. Virtute cujusdam proclamationis, per vicecomitem Comitatus Norffolchie, apud Norwicum, de mandato regio nuper facte, vestre excellencie, juxta formam proclamationis predictae, certificamus, quod nostra fraternitas predicta anno domini millesimo ccc^{mo} septimo, per quosdam parochianos dictae ecclesiae, et alios deo deuotos, fuerat incepta, ob honorem sancte Trinitatis, beatissimeque virginis marie, ac sancte Katerine virginis et martyris, et omnium sanctorum, luminisque incrementum in ecclesia predicta continuandum, sub eertis ordinacionibus communi consensu fratrum et sororum fraternitatis predictae editis et factis; quarum quidem ordinacionum tenor sequitur in hec verba:—

The Wardens of the gild make a return.

The gild was begun A.D. 1307.

The ordinances.

In ye begynninge w^t one assent it is ordeynede, yat alle ye bretheren and sisteren of yis gilde shul comen to-geder to ye paroche chirche of seynt Symond and Jude in Northwiche, on ye day of seynt Katerine, for to gone with processiou w^t her candel, ye whiche be born be-forn hem, ande to heren ye messe of seynt Katerine in ye forsayde chirche; ande at yat messe euery brother and sister shal offeren an halfpenny.

All the gild shall go in procession on the day of St. Katherine, and make offerings.

Ande also it is ordeynede, yat what brother or sister be absent at ye processiou forsayde, or at messe, or at offeryng,

Penalty on any then absent.

* CCCX. 40. Condition, generally fair; but bad along one side.

he shall payen to ye catel of ye gilde ij. pounce of wax, bot yei mowen bene excused resonably.

Burial services shall be attended, and offerings made.

Ande also it is ordeynede, yat when a brother or sister is dede, euery brother and sister shul come to Dirige and to messe; ande at ye messe, eueriche shal offeren an hal-peny, ande yeuen an hal-peny to almesse; ande for a messe to be songen for ye soule of ye dede, a peny. Ande at ye Dirige, euery brother and sister yat is letterede shul seyn, for ye soule of ye dede, placebo and dirige, in ye place wher he shul comen to-geder; ande euery brother and sister yat bene nought letterede, shul seyn for ye soule of ye dede, xx. sythes, ye pater noster, w^t Aue maria; ande of ye catel of ye gilde shal yer bene two candels of wax, of xvj. pounce weight, aboute ye body of ye dede.

Duties of the lettered, and of the unlettered, bretheren and sisteren.

Any brother dying within eight miles of Norwich shall be brought to town for burial; or at least the usual services shall be done for his soul.

¹ (*vic.*)

Ande also it is ordeynede, yat if eny brother or sister deye oute of ye Citee of Northwiche wⁱⁿne viij. mile, yat sex of ye bretheren yat han ye catel of ye gilde in kepyng, shul wenden to yat brother or sister yat is dede; and if it be lefulle, he shul done carien ye¹ Norwiche, ande elles be beryede yer; ande if ye body be beriede oute of Norwich, alle ye bretheren and sisteren shul bene warnede to comen to ye forsayde chirche of seynt Symond and Jude, ande yer shal be done for ye soule of ye dede alle seruice, light, and offeryng, as ye body were yer present. Ande what brother or syster be absent at placebo and Dirige, or at messe, he shal payen two pounce of wax to ye catel of ye gilde, bot he be resonably excusede. Ande neuer-yeles he shal done for ye dede as it is seyde a-forn.

On the morrow of the gild-day, a mass of requiem shall be sung.

Ande also it is ordeynede, yat, on ye morowe efter ye gilde day, alle ye bretheren and sisteren shul come to ye forsayde chirche, and yer done syngen a messe of Requiem for ye bretheren and sisteren soules of yis gilde, and for alle cristen soules, and euerich yer offere a ferthyng. And who-so be absent, he shal payen a pounce of wax.

Help to poor bretheren.

Ande also it is ordeynede, yat if eny brother or sister falle in pouert, thurghe auenture of ye werld, his state shal bene holpen, of euery brother and sister of ye gilde, w^t a ferthyng in ye woke.

Ande also it is ordeynede, by comoun assent, yat if eny discorde be bytween bretheren and sisteren, first yat discorde shal be shewede to other bretheren and sisteren of ye gilde, and by hem acorde shal be made, if it may be skilfully. Ande if he mowen nought bene so acorded, it shal be lefulle to hem to gone to ye comoun lawe, w^touten eny meynテナunce. Ande who-so do ayein yis ordenaunce, he shal payen two pounde of wax to ye light.

In case of quarrel, the matter shall be laid before the gild.

Also it is ordeynede, by comoun assent, yat what brother of yis gilde be chosen in to office, and refuse it, he shal payen iij. pounde of wax to ye light of seynt Katerine.

Fine on refusal to take office.

Also it is ordeynede, by comoun assent, yat ye bretheren and sisteren of yis gilde, in ye worshepe of seynt Katerine, shul han a lyueree of hodes in suyte, and eten to-geder on her gilde day, at her comoun costes; ande who-so faile, he shal payen ij. pounde of wax to ye light.

A livery hood shall be worn; and all shall dine together on the gild-day.

Also it is ordeynede, by comoun assent, yat no brother ne sister shal be resceyued into yis gilde bot by ye Alderman and xii. bretheren of ye gilde.

Admission of new-comers.

Et quo-ad bona et catalla dicte fraternitatis, eidem excellencie vestre similiter significamus, quod nos, prefati Custodes, habemus in custodia, ad opus dicte fraternitatis, xx.s. argenti.

Goods of the gild.

VIII.

NORWIC': FRATERNITAS SANCTI CHRISTOFORI.*

Certificacio in Cancellaria, per Magistrum Radulfum Nektone.

The Wardens of
the gild make a
return.

Excellentissimo principi et domino, domino nostro Ricardo, dei gratia Regi Anglie et francie, ac consilio suo in Cancellaria sua, sui humiles ligei, Custodes cujusdam fraternitatis sancti Christofori martyris, in ecclesia fratrum ordinis sancti Augustini in Norwico, omnimodam subjeccionem ac reuerenciam et honorem. Virtute cujusdam proclamacionis, per Vicecomitem Comitatus Norfolchie, apud Norwicum, de mandato regio nuper facte, eidem excellencie vestre, juxta formam proclamationis predictae, certificamus, quod nostra fraternitas predicta anno domini millesimo ccc^{mo} octogesimo quarto fuerat ex deuotione fundata, ob honorem sancte Trinitatis, patris et filii et spiritus sancti, et sancti Christofori martyris, sub certis ordinacionibus consensu communi fratrum et sororum predictae fraternitatis factis; quarum quidem ordinacionum sequitur series in hec verba:—

The gild was
begun A.D. 1384.

The ordinances.

In ye worshepe of ihesu crist, ande of his dere moder, and of seynt Cristofere ye holy martir, and alle holy halwen, deuoutelyche we begynnen yis fraternite by yes ordynaunces vnderwriten.

Prayer for
church, peace,
pope, cardinals,
patriarch, holy
land, archbishops,
bishops, parsons,
king, queen,
dukes, earls,
barons, bachelors,
knights, squires,
citizens, burgesses,
franklins, tillers,

In ye begynnyng, we shul preyen deuoutely for ye state of holy chirche, and for ye pees of ye londe; for ye pope of Rome and his Cardinals; for ye patriak of Jerhusalem; for ye holy londe and ye holy crosse, yat godd for his myght and his mercy bryng it oute of bethen power into reule of holy chirche, ande yat godd of his mercy make pes and vnytee in holy Chirche;

* CCCX. 66. Condition, three parts fair; remainder bad.

ande for alle Erchebisshopes and bisshopes, and specially for oure bisshope of Norwiche; for alle parsones and prestes, and alle ordres of holy chirche, yat godd of his mercy saue hem and kepe hem, body and soule, and yeue heme grace here, ordre to kepe, and so to reule holy chirche and mannes soule yat it be to goddes worshepe and saluacioun of here soules and to alle cristen men; for oure lorde ye kyng, for oure lady ye qwen, Duckes, Erles, Barouns, and Bachelers of ye londe, yat godd of his grace sauue hem and kepe hem fro dedely synne, and yeue hem grace, ye Roialme and holy chirche and here owen soules so to reulen and kepen y^t it be worshepe to godd, and to alle cristen men saluacioun; for alle knyghtes, squyers, citezenis and Burgeys, fraunkeleyns, and alle trewe tyliers and men of craft, wydoues, maydenes, wyfes, and for alle ye communalte and cristen peple, y^t godd of his mercy saue hem and kepe hem y^t in yis werld leuen w^t treuthe, and yeue hem grace so to done yat it be worshepe to godd and saluacioun to here soules; for alle trewe shipmen, and trewe pilgrymes, y^t godd for his grace yeue hem wederyng and passage, yat yei mowen sauely comen and gone; for ye fruyte of ye londe and of ye see and ye wederyng; for alle ye men y^t bene in fals beleue, and wolde bene in goode beleue, godd yeue hem grace to comen to her desir; for oure faders soules, and moders, bretheren and sisteren, and for alle ye bretheren and sisteren of yis gilde, and for alle cristen soules: amen.

Ande also it is ordeynede, yat yis bede and preyer shal bene reherside and seyde at euery tyme yat ye alderman and ye bretheren bene togedere.

Ande also it is ordeynede, by ye bretheren and sisteren of yis gilde, y^t yei shulle holden ye day of her fraternite, euery yher, on ye sonday next a-forn ye feste of seynt Cristofore; ande on ye same day yei shulle offren a candel of fyue lightes, brennande afor ye heye Auter in ye freres Austyns of Norwiche; ande yei shule eten to-geder on ye same day, on her owen costes.

Ande yis is here entent, to make non ordinaunce in prejudice ne lettyng of ye comoun lawe, but only in worshepe of godd and seynt cristofore, and norisshyng of loue and charitec.

craftemen,
widows, maidens,
wives, common-
alties, shipmen,
pilgrims, unbel-
ievers, our
fat iers' and mo-
thers' souls, and
for all of this gild.

This prayer shall
be said at every
meeting.

The gild-day shall
be on the Sunday
before the feast of
St. Christopher.

No ordinance shall
be against the
common law.

Yearly a mass of
requiem, and
offerings.

Ande also it is ordeynede, yat euery yher, on ye monday next efter ye sonday of her offeryng, yei shul bene alle to-gedere in ye same place, and haue a messe of Requiem, and eueriche offre a ferthyng for alle cristen soules.

Offerings at
burials: and two
poor men shall
carry torches.

Also it is ordeyned, yat on ye day of ye sepulture of eny brother or syster of yis gilde, yt eueryche offre a ferthyng, and yeuen an halpeny to allemesse, ande aboute ye dede ij. candels of viij. pounce of wax; ande two pouere men shul bene hirede of ye almesse siluer, to holden ye torches aboute ye dede.

Help to poor
brotheren.

Ande also it is ordeynede, yat yhef eny brother or sister of ye gilde falle in pouerte or myschef, by auenture of ye werld, euery brother and sister shal payen an halpeny euery woke to ye kepere; [*and oute of yis*] he shal han, euery woke, xij.d., and ye remanant to ye light.

Goods of the gild.

Et quo-ad bona et catalla dicte fraternitatis, eidem excellencie vestre similiter significamus, quod nos, predicti Custodes, habemus in custodia xx.s., ad opus et sustentacionem luminis predicti.

IX.

FRATERNITAS SANCTE TRINITATIS, *in ecclesia Cathedrali sancte Trinitatis, NORWIC'.**

Norwic'. Excellentissimo principi et domino, domino nostro Ricardo, dei gratia Regi Anglie et ffrancie, ac consilio suo in Cancellaria sua, sui humiles ligei, Custodes cujusdam fraternitatis sancte Trinitatis in ecclesia Cathedrali sancte Trinitatis, Norwici, omnimodam subjeccionem ac reuerenciam et honorem. Pretextu cujusdam proclamationis, per vicecomitem Comitatus Norffolchie, apud Norwicum, de mandato regio nuper facte, vestre celsitudini, juxta formam proclamationis predictae, certificamus, quod nostra fraternitas predicta anno domini millesimo CCC^{mo} sexagesimo quarto fuerat ex deuocione incepta, ob honorem summe et indiuidue Trinitatis, patris et filii et spiritus sancti, luminisque augmentum in ecclesia Cathedrali predicta singulis diebus deuote continuandum, sub certis ordinacionibus communi consensu confratrum et sororum predictae fraternitatis factis; quarum quidem ordinacionum tenor sequitur in hec verba :—

The Wardens of the gild make a return.

The gild was begun A.D. 1364.

The ordinances.

In ye begynnyng it is ordeynede, by comoun assent, yat alle ye bretheren and sisteren of yis fraternite shul kepen and begynnen her deuocioun on ye euen of ye feste of ye Trinitee, at matyns commande, w^t solempnite to ye forsayde chirche, w^t torches brennande, and yer offeren euery brother and sister. Ande on ye morowen gone w^t ye processiou, w^t a candel of fyue lyghtes to brene afor our lady.

A solemn service shall be held on the eve of the feast of the Trinity.

Ande also it is ordeynede, yat, euery yher, yat on ye monday next efter ye Trinite sonday, alle ye forsayde bretheren and

A mass of requiem shall be had, and offerings made.

* CCCX. 85. Condition, fair.

sisteren shul comen togeder to ye same place wher ye candel is offered, and haue a messe of Requiem for alle cristen soules. Ande euery brother and sister shal offre a ferthyng. Ande who-so be absent, he shal payen a pounce of wax to ye light.

Burial services,
and offerings.

Ande also it is ordeynede, by comoun assente of yis fraternitee, yat, at ye day of ye sepulture of ye bretheren and sisteren, euery brother and sister forsayde shul offeren an halpeny, and yeuen an halpeny to almesse; ande eueriche brother and sister shal payen a peny to a messe; ande euery brother and sister shal payen, of ye commoun catel, a peny to a sauter for ye dedes soule; ande he shal haue, of ye comoun catel, two candels poysaunt viij. pounce.

Help to poor
bretheren.

Ande also it is ordeynede by yis fraternitee, yat yefe eny brother or sister falle in pouert, or in mischief, euery brother or sister shal payen an halpeny in ye woke to ye officers; wher-of ye pouer brother or sister shal haue xij.d. in ye woke, and ye remanant shal be done to ye light.

Fine for absence
from meetings of
the gild.

Ande also it is ordeynede, yat if eny brother or sister be absent at eny gaderyng or berynge, or when he be somound, he shal payen a pounce of wax to ye light, bot he be excus[ed] resonably.

Goods of the gild.

Et quo-ad bona et catalla dicte fraternitatis, eidem excellencie vestre similiter significamus, quod nos, predicti Custodes, habemus in custodia, ad opus et sustentationem fraternitatis predictae, lx.s. argenti.

X.

[BROTHERHOOD OF BARBERS,] NORWICHE.*

And a bretherhode þer is ordened of barbres, in þe site of Norwyche, in þe worschep of god and ys moder, and seynt Johan þe Babtis, þat alle bretherin and sisterin of þe same gylde, als longe as xij. persones of hem lyuen, þey schulen offeryn a candel and to torches of wax; and þis light þey hoten and a-vowed to kepyn and myntenyn, and þes oper ordenances þat ben vnder wreton, vp-on here power and diligence, in worschepe of crist and ys modyr and seyn Johan Babtis; and þe to torches schul bien of xl. *lib.* weyght; and alle þe bretherin and sisterin schullen offeryn þis candel and þe to torches eueri 3er a misomere day, and þey herin here messe at þe heye auter atte Charunel in cristis cherge, and eueri brother and sistir offeryn an *ob.* wyth here candel and here to torches, in hono^r of god and oure lady and seynt Johan þe Babtis.

Torches and other lights, &c., shall be offered on Midsummer day.

And þe to torches, eueri day in þe 3er, scullen ben light and brennyng at þe heye messe at selue auter, from þe leuacioun of cristis body sacrid, in til þat þe priest haue vsud.

Torches shall be kept burning during high mass.

This bien þe names of þe men þat ben maystris and kepers of þe gyld:—

Philippus Barbur

Jacobus Barbir

Thomas Barbyr at prechors

} And þis men han in
kepyng for þe same
light, ij. s. in here box.

Goods of the gild.

* CCCX. 111. Condition, fair.

XI.

[GILD OF THE PELTYERS, NORWICH.]

*Fraternitas sancte Trinitatis, Norwici, ac sancti Willelmi
Innocentis et martiris, de Norwico.**

Recital of the
King's writ, pro-
claimed by the
Sheriff of Norfolk.

Norwic'. Excellentissimo et nobilissimo principi et domino nostro, domino Ricardo, dei gratia Regi Anglie et ffrancie, ac ipsius sano consilio in sua cancellaria, sui ligei humiles et benignissimi, magistri et custodes fraternitatis constitute et ordinate in honore sancte Trinitatis, beate marie, ac beati Willelmi innocentis et martiris, ac omnium sanctorum, que quidem fraternitas est tenta in ecclesia cathedrali sancte Trinitatis, Norwici, die dominica proxima post festum Petri et Pauli, omnimodam reuerenciam cum omni subjeccione et honore. Cum nuper, de mandato Regio, per vicecomitem Norffolchie, palam et publice, inter alia, fuisset proclamatum quod omnes et singuli magistri et custodes gildarum, fraternitatum, quarumcumque, certificent in cancellariam vestram, in scriptis, plenarie, distincte, et aperte, citra festum purificationis beate marie vbicumque tunc fuerit, de modo forma ac auctoritate fundacionis, inceptionis, ac continuationis, et regiminis, gildarum et fraternitatum predictarum, ac de modo et forma sacramentorum, congregacionum, conuiuiarum, assemliarum, fratrum et sororum, ac omnium aliorum de gildis et fraternitatibus hujusmodi existentibus, necnon de libertatibus, privilegiis, statutis, ordinacionibus, vsibus, et consuetudinibus, gildarum et fraternitatum earundem, ac insuper de omnibus terris et tenementis, redditibus, possessionibus, mortificatis et non mortificatis, ac bonis et catallis quibuscumque, ad predictas gildas et fraternitates qualitercumque pertinentibus siue spectantibus, in quorumcumque manibus hujusmodi terre et tenementa, redditus et possessiones, bona seu catalla, ad opus hujusmodi gildarum et

* CCCX. 116. Condition, partly fair ; the rest bad.

fraternitatum existant, ac de vero precio bonorum et catallorum predictorum. Nosque ligei vestri, audita et intellecta proclamatione predicta per ipsum vicecomitem sic facta, regie celsitudini vestre, juxta formam proclamationis predictae, in omnibus obedire volentes, eidem celsitudini vestre certificamus, quod nostra confraternitas antedicta ab anno domini millesimo tricentesimo septuagesimo sexto fuerit incepta et fundata; ac deinceps, ad honorem dei, glorioseque virginis marie matris sue, ac beati Willelmi, ac omnium sanctorum, diuiniq[ue] cultus augmentum, ac dicte ecclesie cathedralis et sustentationis duorum capellanorum deo ibidem seruiendum releuamen, per confratres et sorores ipsius fraternitatis successiue continuata, sine prejudicio, injuria, seu calumpnia cujuscumque. Nec est dicta fraternitas in aliquibus terris, tenementis, redditibus, aut possessionibus immobilibus dotata; sed fuit et est, quando et quociens necesse fuerit, pro oneribus eidem confraternitati incumbentibus subportandis, de collecta communi inter dictos confratres et sorores fieri consueta, ac de legatis in testamentis et vltimis voluntatibus, aliisque piis deuotionibus eidem relictis et collatis, decenter sustentata et huc usque debita gubernata. Ad hos insuper modum et formam, fratres et sorores dicte confraternitatis sunt conuocandi, conuocati, assemblia[n]di seu assemblati, secundum quasdam ordinationes, communi sensu ipsorum confratrum et sororum editas atque factas, quarum quidem ordinationum tenor sequitur in hec verba :—

Return made by the Masters and Stewards of the gild, in pursuance of that proclamation.

The gild has no lands, but is maintained by charges levied, and by legacies and other gifts.

The ordinances.

Constitutiones. In ye name of ye fader and sone and holy gost, thre persones o god in trinite; and in ye worchepe of oure lauedy seynte marie his dere moder, and of seynt William ye holy Innocent and digne marter, and alle halewyn. In ye yer of oure lord jhesu cryst, a thousande thre hundred seuenty and sexe, Peltiers and oyere god men be-gunne yis gylde and yis bretherhod of seynt Willyam ye holy Innocent and marter in Norwyche. And alle yis ordenaunces undirwreten, al ye bretheren and systemen schulyn helden and kepen vpen here power.

The gild was begun A.D. 1376 by peltiers [furriers] and others.

Two candles,
dressed with
flowers, shall be
yearly offered at
St. William's
tomb.

Procession of a
boy and two good
men.

Only three
excuses allowed
for absence, unless
it be otherwise
willed.

No ordinance
shall prejudice the
king's right, or
the law.

On the morrow of
the gild-day, hear
a mass of requiem.

After the mass, go
to an Inn, audit
accounts, and
choose officers.

Officers shall be
chosen by picked
men.

At ye fyrste, alle ye bretheren and systeren thus han be hoten :
yat yey, euery yer, on ye sunday nexst aftyr ye fest of seynt
Peter and Powel, in worchepe of ye trinite and of oure leuedy
and seynt William and alle halwen, schullen offeren to floured
candelys a-forn seynt Willyams tounge, in ye mynstre of ye
trinite, and euery of hem offeren an halpeny at ye messe, and
heren al ye messe. And qwo-so be absent, yanne he schal payen
to seynt Williams lythe thre pound of wax. And it schal ben
reysed and gadered be ye alderman and his felas. Also a knaue
chylde, innocent, beren a candel yat day, ye wygthe of to pound,
led be-twixen to gode men, tokenynge of ye glorious marter.

Also it is ordeyned, yat no man schal ben excusyd of absence
at yat messe, but it be for ye kyngges seruise, er for stronge seke-
nesse, er twenty myle duellynge fro yis syte, yat he ne schal
payen ye peyne of thre pound of wax.

And qwo-so schal ben excused for any oyer schyl, it schal ben
at ye aldermannes wyl, and at ye cumpany.

Also alle ye bretheryn and systeryn han ordeyned and
graunted, for any ordenaunce yat is mad or schal ben mad
a-monges hem, yat yey schal saue ye kynges hys rythe, and non
prejudys don a-geyn his lawe in yes ordenaunce.

Also it is ordeyned, yat eueryche broyer and syster of yis
gylde, erly on morwe aftyr ye gylde day, schal heryn a masse of
requiem for alle ye brethere soules and systeren soules of yis
gilde, and for alle crystene soules, at seynt Williams auter in ye
mynstre of ye trynityte in Norwyche, and offeren a ferthyng.
And qwo-so be wane, schal paye a pound of wax.

And qwan ye messe is don, be here aldermannes asent yey
schal alle to-gedere gon to an In. And euery man yat hat ony
catelle of ye gylde, leyn it down ; and ordeynen yer of here
lykyng be comoun assent, and chesen offyceres for ye nexte
yer. And qwo falye, schal payen thre pound of wax.

And viij. men of ye aldermannes chesyng, on ye gylde day,
schulen chesen an alderman, and to felas, and a somoner, for ye
nexte yer.

Also it is ordeyned, in ye worchepe of ye trinite and of oure

leuedy seynt marie, and of seynt William and of alle halwyn, yat qwat brother or syster, be goddis sonde, falle in mischefe er mys-ese, and haue nout to helpen hem-selfe, he schal han Almesse of eucri broyer and syster euery woke, lestende his myschefe, a ferthyng; of qwyche ferthynges he schal han xiiij.*d.*, and ye remenaunt gon to catelle. But if it be his foly, he schal nout han of ye elmes.

Bretheren and sisteren fallen into trouble or mis-ease, shall have weekly help :

Also it is ordeyned, be comoun assent, qwo-so be chosen in offys, and refuse it, he schal paye to seynt Wylliams lythe thre pound of wax, and vp peyne of his othe.

but not so if brought on by their own folly.

Fine on refusal to take office.

Also if ony brother er syster deye, he schal han of ye gylde foure torches, and foure pore men cladde, abouten his cors. And euery brother and syster offeren at his messe, and heryn al ye messe, and byden his enterynge, and at messe offeryn a ferthyng, and an halpeny 3euen to almes for 3e soule. And 3euen to a messe a peny, ye qwyche [*schal be*] gaderyd be ye alderman and hise felas, te don for ye soule and for alle crystene.

Burial services and offerings.

Also if any broyer er sister deye seuene myle fro ye cite, ye alderman and oyer seuene bretheryn, at his e[*sequises, schul*] wende in fere to ye cors, and ordeynen and don for ye soule as for on of ye bretheren.

Deaths seven miles from the city.

Also it is ordeyned, be comoun assent, yat yese bretheren, in worchepe of ye holy trinyte and seynt William, schul etyn to-gedere on yat day, at here comoun cost.

An annual feast shall be held.

And qwo-so be somouned to don semble, er to congregacioun be-forn ye alderman and ye bretheryn, and come nout, he schal paye a pound of wax to ye lyt.

Fine for not coming to meetings.

Also it is ordeyned, be comoun assent, yat no broyer ne syster in yis gilde schal be reseyuert but be ye alderman and xij. bretheryn.

Admission of new-comers.

Also it is ordeyned, be comoun assent, yat ye comoun belle-man schal gon thurgh ye cite on ye gilde day, after none, and recomandyn al ye brethere soules and systeres of ye gilde be name, and alle crystene soules ; and seyn yat a messe of Requiem schal ben seyde erly on ye morwen, be prime day, in memorie of ye soules and alle crystene ; and somownyn alle ye

The common bell-man shall summon the bretheren to meet on the morrow of the gild-day.

bretheryn an systeryn, yat yey ben at ye messe at ye auter of
seyn William at yat tyme of prime, vp ye peyne of thre pound
of wax.

~~Also it is ordeyned, yat ye sh-~~*

Non sunt alie constitutiones constitute nec ordinate in frater-
nitate predicta.

Goods of the gild.

Summa catallorum dicte fraternitatis, iiij.li. iiij.s., et non
plus nec minus.

[Indorsed :]—ffraternitas sancte Trinitatis ac beati Willelmi
Innocentis et martiris in Norwico.

* This beginning of a fresh ordinance, and its crossing out, are so in the original record. As none other of the ordinances has this beginning, the inference is, that some fresh ordinance happened to be at that time under consideration, but had not been yet adopted. The Latin clause which follows supports this inference. It is certain that fresh ordinances were, from time to time, adopted. The case of the Shipmanes Gild gives an illustration of this fact. (See after, p. 57.)

The Latin preface to these Ordinances speaks of the maintenance of two chaplains; but this was clearly a mistake, for there is nothing at all in the ordinances themselves as to the maintenance of any chaplain.

XII.

[THE TAILORS' GILD, NORWICH.]

*Certificatio fraternitatis Artificii Sissorum, Norwici.**

Norwiche. Excellentissimo et nobilissimo principi, domino nostro, domino Ricardo, dei gracia Regi Anglie et ffrancie, ac ipsius sano consilio in sua cancellaria, sui ligei humiles et benignissimi, magistri et custodes fraternitatis Artificii sissorum in Norwico, facta¹ in honore assencionis domini nostri ihesu christi et beate marie virginis, omnimodam reuerenciam cum omni subiectione et honore. Cum nuper, de mandato regis, per vicecomitem Norffolchie, palam et publice inter alia fuisset proclamatum, quod omnes et singuli magistri et custodes gildarum, fraternitatum, quarumcumque, certificent in cancellariam vestram, in scriptis, plenarie, distincte, et aperte, citra festum Purificacionis beate marie, vbicumque tunc fuerit, de modo, forma, ac auctoritate, fundacionis, incepcionis, ac continuacionis, et regiminis, gildarum et fraternitatum predictarum; ac de modo et forma sacramentorum, congregacionum, conuiuiarum, assembliarum, fratrum et sororum, ac omnium aliorum de gildis et fraternitatibus huiusmodi existentibus; necnon de libertatibus, priuilegiis, statutis, ordinacionibus, vsibus, et consuetudinibus, gildarum et fraternitatum earundem; ac insuper de omnibus terris, tenementis, redditibus, possessionibus, mortificatis et non mortificatis, ac bonis et catallis quibuscumque, ad predictas gildas et fraternitates qualitercumque pertinentibus siue spectantibus, in quorumcumque manibus huiusmodi terre et tenementa, redditus et possessiones, bona seu catalla, ad opus huiusmodi gildarum et fraternitatum existunt; ac de vero precio

¹ (etc.)

Recital of the proclamation lately made by the Sheriff of Norfolk, calling for returns as to gilda.

* CCCX. 120. Condition, generally fair, but bad in places.

Return now made
accordingly.

The gild was
begun in 1350.

It has no lands,
but is maintained
by charges levied
under the follow-
ing ordinances.

The ordinances.

bonorum et catallorum predictorum. Nosque ligei vestri, audita et intellecta proclamacione predicta per ipsum vicecomitem sic facta, regie celsitudini vestre, juxta formam proclamacionis prediete, in omnibus obedire volentes, eidem celsitudini vestre certificamus, quod nostra confraternitas antedicta ab anno domini millesimo tricentesimo quinquagesimo fuerit incepta et fundata. Ac deinceps, ad honorem Assencionis Domini nostri ihesu christi, glorioseque virginis marie, diuini cultus augmentum, in capella beate marie de campis in Norwico, Deo ibidem seruitura per confratres et sorores ipsius fraternitatis, sine prejudicio, injuria, seu calumpnia cujuscumque. Non est dicta fraternitas in aliquibus terris, tenementis, redditibus, aut possessionibus immobilibus, dotata; sed fuit et est, quanto et quociens necesse fuerit, pro oneribus eidem confraternitati incumbentibus supportandis, de collecta communi inter dictos fratres et sorores fieri consueta, secundum quasdam ordinaciones communi sensu ipsorum confratrum et sororum editas atque factas, quarum quidem ordinacionum tenor sequitur in hec verba :—

ORDINACIO.*

The gild shall meet
together,

This ordenaunce ys mad in this manere:—þat alle the breperen and the susteren schullen ben to-gedere on the half thursday, at þe candel berynge, and at the messe seyng and offeryn; and who-so faille þat day, þat he be nouthe þere, as comenaunt ys, he schal paie a pound of wax for is faute.

and next day
be at a mass of
requiem.

And also, on the fryday nest folowende, it is ordeyned þat alle þes breperen and sisteren schullen ben at a messe of requiem for the bretheryn and þe sisteren þat ben dede, and for alle cristene soules: als-so ho-so make defaut that day, he schal paye half a pound of wax.

They shall obey
the summons of
the alderman, to
audit accounts.

And also it is ordeyned, þat alle the bretheren þe wache þe halderman of this gilde sendit fore, schullen ben redy at that day

* The copy of ordinances which follows, in English, is written in a different hand from the foregoing Latin preface.

that he sendit for hem, be-twixen þe feste of the Natiuite of oure lady and Misschelmasse, in wat stede that he syngnyt hem, for to here the Countes and reknynge for the dettes þat he owen to Alderman and þe compayne.

And who-so make default þat day, and be warned, he ssal paye to pound of wax. Fine, if absent.

Also it is ordeigned be þe breperen, þat alle þo þat the Alderman sendit fore, shullen ben redy on þe soneday fourtnythe after esterne, en what place þat þe Alderman assyngnetz, for to ordeynen hoo ssal make the candel þat 3er, and kepent; and also þo þat arn assyngned to don that office, þe compayne ssal oward hem viij.d. for here trauaille. And þe sexteyn of the forseid chapel ssal han, for lythyng of the lythe, viij.d. Also þe clerk that ryngetz on the half thursday at euen, ssal han iiij.d. for his trauaille. Meeting after Easter, to choose officers, &c.

Payments to sexton and clerk.

And also it ys ordeyned, be þe Alderman and alle the breperen, þat who-so falle at meschief, en pouerte, croked, blyn, be þe grace of Godes sonde, out-taken 3ef he be a theffe proued, he ssal han seuene penes in þe woke, of þe breperen and sisteren, to helpen hem withe. Help to the poor and maimed.

And also it ys ordeyned, be alle þe breperen and sisteren, þat what brother or sister deye, þe ferndes of þe dede body sshullon whet þe Alderman to seyn; and he ssal sende forthe þe bedel to alle þe breperen and þe systeren, þat þey bien at the derge of þe body, and also at messe and offeren, and ben withe the body til it be closid in þe herthe; and also fynden þer, of here cost, to tapers of wax, of þe wythe of xij.li., at þe derge and at þe messe brennende. And also euery broper and euery sister of þe gilde sshullen 3euen on halpeny in þe worchepe of god for þe soule; and also seyn oure ladys sauter, or don seyn. Euery broper and sister ssal 3euen a peny to a messe for þe soule, hastili songen. Burial services and offerings.

And also, what broper or sister þat deye vij. mile a-boute þe sete, þe breperen þat þe alderman assyngnetz sshullen gon þeder wt he wax, and bryngin þe bodi to þe herthe, as it is be-fore. Burial of those dying out of town.

Also 3ef ony broper or sister deye in straunge cuntre, in Service for those dying abroad.

cristendom or in hethenesse, þe breperen sshollen gon to þe chapel on the feld, with here wax, and leyn a clotȝ, and doun a messe of requiem for þe soule, and opere þenges, als ȝon he where at hom amoungeȝ hem.

Oath to be taken
by gild-members.

Also it was ordeyned ferst be Peres of Weston, and be alle þo þat han be sithyn, þt alle þese Comenautȝ a-forsaid sshulle ben holden ferme and stable: and þer-to harn þei sworon on the halidom. And alle þo þat comen after sshullen do þe same othe.

[*In dorso.*]
Alderman to be
chosen.

And also it is ordeyned, þat alle the bretheren sshullen ben togedere on the friday after half thursday, for to chesen an Aldirman; which Aldirman ssal receyue þe catel at a serteyn day, and deliueren aȝen in serteyn place þer þe breperen assyngnetȝ. And who-so faile, þe friday after mete, he sshal paien half a pound of wax.

At meetings, a
candle shall be
kept alight, and a
prayer shall be
said.

And also it is ordeyned, þat a-mounȝes the breperen and sisteren in here assemble, a candel brennande of wax, and seyn a bede in worchepe of god and of oure leuedy, alle seyntes, and for alle cristene soules, and for alle þe breperen and sisteren of þis gilde.

A Summoner shall
be chosen, and re-
warded by quit-
taunce of the usual
payments.
Fees shall be paid
to the Bedel.

Also it ys ordeyned þat, fryday after noon, þat þey shole chesen a Somnor; and alle þt ȝei who-so be in þat office, he shal paie no siluer, but gon qwyte for hys trauaille. Also qwat broþer or sister þat entrit in his time schal paie to þe bedel a peny.

[Indorsed:—] Fraternitas sissorum ciuitatis Norwici, ordinata in honore assencionis domini.

XIII.

[THE CARPENTERS' GILD, NORWICH.*]

In the name of þe fader and sone and holi gost, and of oure ladi seinte marie, cristes moder, and al þe holi cumpanye of heuene, þe ordenaunces of þe gilde of Carpenteris werin begunnen, in hono^r of þe holi trinite, in þe 3er of grace of oure lord jhesu crist a thousand thre hundred and seuenti and fyue, þe 3er of oure noble kyng Edward, þe thridde after þe conquest, fourti and nyne; and shullen ben holden perpetuelliche in þe moder Chirche of Norwiche a-forn þe heye auter: and it was begunnen by þis entent, for to encresin a light of torchis atte sacrement of cristis bodi at selue auter. The qwilke ordenaunces alle þe breþerin and sistrin of þis gilde han be hoten and avowed, to þe hono^r of þe trinite, to holden and stabeliche kepen, vp-on here might and power, as longe as xij. persones of þis gilde lasten and lyuen.

The gild was begun A.D. 1375.

Thus it is, þat alle þe bretherin and sistrin shullen comen to-gidere, on þe saterday atte euen next after þe ascension of oure lord crist, eueri 3er, at þe place assigned be þe alderman and his to felas, in Norwich, in cause of deuocioun, and pere biddin a bede a-forn here light in hono^r of trinite, and han recomoundid in here mynde þe stat of holi Chirche, and for pes and vnite in þe lond, and for alle þe bretheren soules and sistris soules of þis gilde, and alle here frendis soules, and alle cristene. And eueri of hem shal seyn, w^t good deuocioun, v. pater noster and v. aue marie be-forn þe candil brennyng.

A yearly meeting to be held, which shall begin with prayers.

* CCCX. 174-177. Condition, fair. This return is made up in the form of a book. It has six leaves of vellum, each measuring 9½ inches by 5½. Only three of the leaves are written upon, but each of these is written on both sides. The handwriting is very remarkable.

A yearly procession and offerings.

Also it is ordeyned, þat eueri ȝer, on þe sunday next after þe ascensioun, alle þe breperin and sistrin, at tyme of day, shal ben at þe Chaundelers þer here wax is ordeyned in Norwiche, and gon alle to-gidere, in processioun, w^t here candil and here torchis, in-to þe menstre of þe trinite, and offerin es vp at þe heye auter, and heren þ^e heye messe, and eueri offerin an halpeny atte messe.

Burial services and offerings.

Also it is ordeyned, þat if any broþer or sister of þis gilde deye with-outen þe Cite of Norwiche, he shal han to Candils of þe bretherin at his dirige and his messe, brennyng abouten his corps, of xij. *lib.* peys. And alle þe bretherin and sistrin shullen ben at his dirige, and praye for þe soule. And, on þe day folwande, ben at his messe of requiem from gynnyng to þe ending; and eueri offerin a ferthing, and ȝeuen an halpeny to elmes for þe soule. And eueri broþer and sister ȝeuen a peny to do seyn a messe for þe soule, and for alle þe bretherin soulis and sistrin of þis gilde, and alle cristen soulis.

Deaths within seven miles of the town.

Also, if any broþer or sister of þis gilde deye wit-outen Norwiche vij. mile abouten, alle þe bretherin shullen gon to his berying messe, with here alderman, with here to candelis brennende a-bouten his cors, and offrin alle atte messe, and ȝeuen here elmesse pere, and gaderin þe messe pens for þe soule in manere for-seyd.

Service for those dying abroad.

Also, if he dye in ferthere cuntre, he shal han his seruise and messe offering, elmesse, messe pens, and trental, as on of here othere bretherin, in þe mynstre of Norwiche.

Help to those fallen into poverty or mishap, if not brought about through folly or riotous living.

Also þese bretherin han ordeyned, be weye of charite, þat if any broþer or sister of þis gilde falle in any meschef or pouert, be godis sendyng, or be any chaunce of þe werld, and nat be his owne folye ne ryotous lyuyng, and he may nought withe his craft ne with his godis helpen him self, he shal han, of eueri broþer and sister of þis gilde, eueri woke, a ferthyng, lestyng his meschif: and þese ferthinges shal be gaderid at eueri moneth ende, and delid forth to þe nedful man, in honor of crist and his moder, and for alle cristene soules.

And qwo-so make defaute in any of þese ordenaunces, he hath

oblissshed him-self, bi his avow and his owen graunt, to payen to þe light iiii^{li}. of wax in wursship of crist, but if he may resonabli excuse him-self be þe kyngis seruise, or for any journe þat touchit þe kyng or his ministris, or be any oþer cause resonable.

Fine for non-fulfilment of ordinances, unless there be good excuse.

Also þis is þe bretheris entent, þat for non ordenaunce þat herin is mad, ne be no maner color of þis gilde, þei shullen makyn no meyntenaunce ne confideracie ageyn þe kyngis right ne þe comoun lawe, ne no preiudice don to no maner man, be þe feyth þat þei owen to god and þe ligeaunce þat þei awe to oure lord þe kyng.

Neither the king's right nor the law to be encroached on.

* And bysyden alle thise ordinaunces, Robert of Elyngham, Masoun, and othere serteyn masouns of Norwiche, fynden, in Cristes chirche at Norwiche, tweye torches brennyngge atte heye auter as it is by-for seyd.

Gifts by certain masons.

* This paragraph is written in another and very different hand. It is clearly not intended to be taken as one of the ordinances, but as the statement of a fact. See the note at the end of the Gild next following.

XIV.

[THE POOR MEN'S GILD,] NORWICHE.*

The gild was
begun A.D. 1390.

In hono^r of oure lord Jhesu crist, and of oure lady seinte marie, and in wursship of seyn Austyn, anglorum Episcopi, and alle holi halwen ; in hono^r of which seynt austyn þe pouere men of þe parisshe of seynt Austyn be-gunnen [a] gylde, in helpe and amendement of here pouere parish chirche of seyn Austyn þe bysshop in Norwiche, in þe 3er of oure lord crist a m^l.ccc.iiii^{xx}, þe 3er of oure Kyng Richard secounde þe iiij^e.

A light to be
found in honour
of St. Austyn.

ffirst, þat þei shullen meynnten and fynden a light in þe same chirche in hono^r of þe selue seynt Austyn ; and þis light eueri 3er þe shullen offerin vp eueri 3er in þe same chirche, an meynnten and susteyn it vp-on here power, whil god 3ift hem grace, on þe sunday next a-forn þe feste of seynt Austyn, here avowe.

Mass, and offerings
at the same time.

And on þat day þat þei offeryn here candel, alle þe bretheryn and sistrin of þis gilde shullen at þe offering of þe selue light, and herin a principal messe in þe same chirche, and offerin at þe messe.

Help to those
fallen poor, sick,
or in other mis-
chance.

And if any broþer or sister of þis pouere gilde falle in any pouerte or secknesse, or any oper meschef, be þe sendyng of crist, and he may nou3th helpe him-self with his owen godis, and he may nought ne haue nou3the to susteyne him self, he

* CCCX. 212-217. Condition, fair. This return is, like the last, made up in the form of a book. It has six leaves of vellum, each about eight inches long by five wide. Of these, only two leaves are written upon, but each of the latter is written on both sides. The front of the first leaf, which is otherwise blank, bears the indorsement given on the next page, and which is written in an entirely different style of hand from that in which the ordinances themselves are written.

shal han, of þe bretherin and sistrin, eueri woke, iij. pens, til þat he be recured.

Also it is ordeyned, þat any broþer or sister of þis gilde deye vij. mile abouten þe Cite, or with-innen þe cite, alle þe bretherin and sistrin shullen* ben at þen enteryng of þe dede corps, and offerin at his messe, and ȝeuen xxx.d. for xxx. messes singing for þe soule, and for alle cristen soules.

Those dying within seven miles of the city shall have burial-services.

[On the outer cover is written as follows :—]

Nomina societatis sancti Augustini :—Nicholas Bryan, Johannes de Shypdham, Johannes de Bukenham, et alii, &c.

Names of gild-brethren.

Nomina societatis sancte Trinitatis :—Robertus Elyngham, Thomas de Hecham, Ricardus Gront, et alii, &c.

Names of brethren of another gild.

Et memorandum, quod Johannes Alunday, Robertus Snape, et Robertus Elyngham, preter omnia alia, inueniunt ij. cereos et vnam candelam in ecclesia sancte trinitatis predicte.†

Names of certain donors.

* This word "shullen" is written twice in MS.

† As the present return touches only the "Poor Men's Gild" [of St. Austyn], it would seem that the last two of these paragraphs relate to some Gild the particulars of which were sent up at the same time with those of "The Poor Men's Gild." The Carpenters' Gild is stated to be "in honour of þe Holy Trinity" (before, p. 37); and the name of "Robert of Elyngham," mentioned in the lines added at the end of the ordinances of that Gild (before, p. 39), leaves little doubt that these two paragraphs refer to that Gild. But it is here stated that two waxes and one candle are found; while only two torches [of wax] are named in the return of the Carpenters' Gild. At any rate, it is odd that an indorsement should be found on the return of one Gild, touching another Gild, which must have been known to have made a separate return.

XV.

[THE SADDLERS' AND SPURRIERS' GILD, NORWICH.]

*Fraternitas de Sadelers et Spurriers Norwici.**

This gild is
maintained by the
1 (sic.)

saddlers and
spurriers; and
has not goods
worth more than
ten shillings.

Mdum de fraternitate, constitutione, et ordinatione, in honore beate marie et omnium sanctorum, de¹, in ecclesia conventuali de Carrowe, pro-ut in ordinacionibus per fratres et sorores ipsius fraternitatis factis plenius continetur. Que quidem fraternitas est sustentata et supportata cum Sadelers et Spuryers ejusdem ciuitatis Norwici. Non habent terras, teneamenta, redditus, nec possessiones, nec catalla, vltra valorem decem solidorum.

Ordinacio.

The gild was
begun A.D. 1385.

To ye honor of oure lady seynt marie, and of alle halwen, yese ordenaunce of fraternyte of Sadeleres and Sporyeres, in ye cite of Norwyche, wern be-gunnen in ye yer of oure lordis birthe ihesu Crist, a thowsande thre hundred foure skore and ffyue, and perpetuelli schal ben holden a-forn ye ymage of oure lady at ye heye auter in ye chirche of nunnes in ye nunrye of Carrowe be-syden Norwyche.

These ordinances
shall be kept so
long as twelve of
the gild live.

Thus it is ordeyned; yat ye bretheryn an systryn of yis fraternyte, as longe as xij. persones of yis gilde lyuen, yey alle han hoten an a-vowed, to ye honor of god, yat yey schuln mayntenen yese ordenaunces vnderwreten, vp here power and diligence, in worchepe of cryst and of his moder and alle halwen, and

* CCCX. 57. Condition, generally fair, but bad in parts.

amendement of here soules and alle crystene, in ye worchepe of holy chirche.

Frust, yat yey schuln fynden and meyntenen a lythe of to torchis of wax, of xxxij.li., euery day brennynge at leuacioun of crystys body sacred, at ye hey masse, but no masse more.

And yis gilde schal ben holden euery yer on ye sunday nest after ye trinite; and alle ye bretheren and systemen han a lyuere of sute, to kennen ye bretheryn an systeryn, and for no oyer enchesoun.

And on ye euen a-forn yis day, at ye aldermannes assygnement, alle ye bretheryn and systeryn yat ben in Norwyche, or oyer place yat may resonableche, schul comen to-gedere, in cause of deuocioun, and seyn a bede for alle ye brethere soules and systrys of yis gilde; and qwo-so faly of yis, he schal payn ij. pound of wax at here owen graunt, but it he may resonabli escuse hem be kyngges seruise.

Also, on ye morwen on yis day nest suwyng, be-time, alle bretheryn and systeryn schul ben to-gedere in crystis chirche, to heryn a masse at ye auter a-forn ye relikes, and euery of hem offere yere. And qwan ye masse is seyde, alle ye bretheryn an sisteryn schul gon wyt ye alderman, in deuocioun, to ye place yer here lithe is ordeyned, and gon wyt ye lythe, in processioun, to ye nunrye of Carrowe, and yer heryn a masse and offeryn an ob.

Also, if any brother er syster deye in ye syte of Norwyche, alle ye bretheryn and sisteryn schal ben at his dirige, wyt to torchis of wax, and to pore men cladde.

And also on yis manere ben at his masse and his enterynge; and euery offeryn a ferthyng, and zeuen an halpeny to almesse for yat soule and for al crystene.

And if he deye thre myle out of Norwyche, alle ye bretheren schul comen to his enterynge, wyt here to torches and to pore men cladde, and offeryn and don as for a brother.

And if he deye wit-uten ye lystes of thre myle, and his mansioun and his houseld ben in ye cite, he schal do don a dryrge and messe wyt here lythe, and don elmesse.

Two torches shall be kept burning at the elevation of the host, at high mass.

The gild shall be held on the first Sunday after Trinity; and the members shall have a livery.

All shall meet the evening before, to pray for their own souls.

Next morning, mass shall be heard, and offerings made; and all shall go, in procession, to the nunnery of Carrow.

On death within the city, all shall be at the dirge, and two poor men with them.

The same at Interment; and offerings and gifts shall be made.

Service on death within three miles of the city.

Service on death beyond three miles.

On death of any
one dwelling
beyond three
miles, all shall
come to services
at Carrow.

And any brother or sister yat duellen wyt-outen ye lystys of thre myle from ye cite deye, alle ye bretheryn and systeren schal don seyn for his soule, in ye chirche of ye nunrye of Carrowe, dirige and masse, an don for is soule as for any brother or sister forseyd.

Non sunt aliquæ alie constitutiones ordinate in congregatione predicta.

[Indorsed on the above return is the following:—]

fraternitas Sadeleres et Spuryeres de Norwico, tenta in ecclesia conuentuali beate marie de Carrowe, juxta Norwicum.*

* This return is written on a piece of vellum which has once formed two leaves of a book, of about the same size in the page as the one described before, p. 40 *note*, and with ruled lines on each side of each page. The two leaves have been flattened out, and the return is written across the ruled lines. But the mark of the fold of the pages, and the holes where the threads went through to hold these leaves as part of a bound book, are still plainly seen. Such facts as the use of this piece of second-hand vellum for this return, and the very unusual use of paper for the official writs (see *Introduction*, and after, Part II. No. I.), perhaps point to an unwonted scarcity of vellum at this time. On the other hand, it will be seen, by reference to the Gild of Garlikhith (before, pp. 3, 5), that paper was used in 1375 to write the Gild-ordinances upon; while an inferior specimen will be found mentioned after, p. 121 *note*.

XVI.

[GILD OF ST. ANTHONY, LYNN, NORFOLK.]

*Statute Gilde Sancti Antoni, Lenne.**

In þe worchep of God of heuen, and of his modir seynt mari, and alle þe holy Company of heuen, and souerengly of þe Noble confessour seynt Antony, w^t a grete deuocion þe fraternite was be-gonne in þe toun of lenne, of men and women, lestenliche for to fyndyn, in chirche of seynt margare of lenne, be-forn þe ymage of seynt Antony, on candelle of j.ii. of waxe, brennend euery festiuale dai thorow-out þe yere, in þe tyme of seruyse, in þe honour of god almyghty, and of þe holy confessour seynt Antony. Also it is ordeyned, be assent, þ^t alle þe men and women of þe fraternite w^t a good deuocion shuln gon in fere, þe sonday nest aftir þe fest of seynt Antony, to þe Chirche of seynt margare fornseid, deuowteliche þer for to heren a messe of seynt Antony; and eueriche broþer and sistir shal offren an ob. in þe worchepe of god and of seynt Antony. Also it is ordeyned to hauen foure mornspeches in þe 3ere. Þe first shal bene þe monday nest aftir þe fornseide soneday: þe secunde shal bene þe soneday aftir þe fest of seynt michel: þe thred shal bene þe soneday aftir þe fest of Epiphanie: þe fourte shal ben þe soneday aftir þe fest of seyntes Tiburs and Valerian in Aprille. Also ordeyned it is, þ^t what man or woman, hauened deuocion to þ^t holy confessour seynt Antony, þat wille comyn in to þis fraternite to ben broþer or sistir (be als mekil als þe forseide lyght, to þe worchep of god an holy Chirche, lestyngliche in tyme comyng, w^touten help of mennys deuocion ne may not

Beginning of the gild.

The gild shall meet in church, and hear mass and make offerings.

There shall be four other general meetings of the gild in each year.

New-comers shall pay five shillings each.

* CCCVIII. 117. Condition, fair, except in the lower lines.

A wise Alderman
shall be chosen ;
and four trusty
Stewards ; and a
summoning Dean,
and a Clerk.

be meyntened and kept), shal payne v.s. Also it is ordeyned, be on assent of alle þe company, to chesen an Aldirman, wyse and wittye, able and konyng to reulen and gouern þe company, to þe worchep of god an holy Chirche ; and foure skeuaynes, trost men and trewe, for to kepyn and reseyuen þe goodes and þe katel of þe gilde ; and on Dene, for to warnyn alle þe gild brepren and sistren, as is þe custum in þe fornseide toune of lenne ; and on clerke, to wryten þe nessessariis of þe gild. Also what broper

Burial services.

or sistir of þe fraternite dye, þe Aldirman shal weten þe dene to seye, and þe Dene hastiliche bryngyn þe waxe to þe Derige, w^t outen any lettyng, and sythen warnyn þe brethren and sistren to come to þe derige and gon w^t þe Cors to þe kirke ; and eueriche broper and sistir shal offren ob. for þe soule. And also, what broper or sistir of þis fraternite dye, he shal haue, of þe clene katel of þe Gilde, xx. messes songyn for his soule. Also, what

In cases of loss or
sickness, help to
be given.

broper or sistir of þe fraternite lese hys katel þorow þe grace of god, or ellis falle in sekene, where-þorow he may not helpyn hymselfe, þan ilke broper and sistir of þe gild shal ȝeuen, ones in þe yere, j.d. to his sustenauns and releuyinge. Also ordeyned it is, þt þe clerke shal haue, for his trauaile in þe yere, xij.d., and þe dene, for his trauaile, xij.d.

Wages of the
Clerk and the
Dean.

The foregoing are
the ordinances.

Be it knowe openliche to ȝow, be þeis presentes, þt we alle buxumlye vndirstondend ȝoure lettres sent to vs, seyend on þe manere, þt we shuld sende ȝow a kopy of our statutz, and also þe summe of our katelle. Weteth it wele þt þe summe of our katelle is xxxiijs. iiij.d.* At my lord þe Kynges wille.

Goods of the gild.

* These figures are so much defaced that I cannot be quite sure of them ; but I have little doubt that the sum, as given above, is right.

XVII.

[GILD OF ST. THOMAS OF CANTERBURY, LYNN.]

*Ordinaciones Gilde Sancti Thome Episcopi Cantuariensis,
Lenne.**

In þe worchep and honor of Jhesu Crist, and of his mild modir seynt marye, and of alle þe holy Company of heuen, and specially of þe holy martir seynt Thomas of Cauntirburye, men and woman, þorow a grete deuocion to þe forseide martir seynt Thomas, hauend, in þe toun of lenne, þis fraternite be-gonne, in þe 3ere of our lord a thowsend CCC.LXX.VJ., lestendliche for to meyntene and fynden, be-forn a certayne ymage of seynt Thomas, in þe Chirche of seynt Nicholas of þe fornseid toun of lenn, on kandel of ij. pound of waxe, for to brenne in seruice tyme eueriche festiual day in þe 3ere. And þis gild shal ben holdyn in þe day of seynt Thomas aftir þe feste of þe Natiuite of seynt ion þe baptist at midsomir. Þat day, eueriche broþer and sistir of þis gilde shuln seme-lyn in a certayne place, faire and honestliche arayde. And þan alle þe bretheryn and sisteryn of þis fraternite, alle to-gedir shuln wend to þe fornseide Chirche, þer for to heryn, wele and deuowteliche, a messe solempliche soungyn. And at þe messe, alle þe bretheryn and sisteryn shul offren *ob.*, in þe worchepe of god and of seynt Thomas. And þis gild shal haue foure mornspeches in þe 3ere. Þe first shal bene þe nest day folowend þe fornseid fest of seynt Thomas. Þe secund shal bene þe soneday aftir seynt mathue. Þe thrid shal bene in þe day of seynt Thomas in Cristmes. Þe fourt shal bene þe sone-day aftir þe fest of seynt Pernele. Also ordeyned it is, be assent of þe bretheryn, to chese an Aldirman to reule þe Company, and

The gild was
begun A.D. 1376.

The gild, all fairly
arrayed, shall
meet on St.
Thomas's Day,
and hear mass,
and make offer-
ings.

There shall be
four other general
meetings of the
gild in each year.

An Alderman shall
be chosen, and

* CCCVIII. 118. Condition, fair.

four Stewards,
and a Dean, and
a Clerk.

¹ (sic.)

A large wax
candle shall be
kept burning.

Burial services.

Wrong-doers shall
be put out.

New-comers shall
pay five shillings
each.

If any become
poor, or have loss
by sea, or by fire,
or otherwise, help
shall be given.

Assent to these
ordinances.

Wages of the
Clerk and the
Dean.

The foregoing
are the ordinances

Goods of the gild.

four skeuaynes to kepe þe goodes of þe gilde, and also a dene to warnyn þe bretheryn and sisteryn, as þe manere is, and also a Clerke to wryten and entryn þe þe¹ Names and þe nessessarijs of þe gild. Also it is ordeyned for to fyndyn, at þe fest of Estern, on kandel of xvj. pound of waxe, for to brenne a-bout þe sepulcre in þe fornseide Chirche of seynt Nicholas. And if any broþer or sistir of þis gild be ded, þe dene shal do þe Thorches comyn to þe Derige, and warnyn alle þe gild bretheryn and sisteryn þt ben in toun, to comyn and offren ob. at þe chirche; and what broþer or sistir so comyn nout, he shal ȝeue ob. to Elmes for his soule. And if any broþer or sistir be ded, he shal haue, of þe propre katel of þe gild, xxx. messes soun gyn for his soule wt-in þe thredd day. Also, what broþer or sistir bere opir any falshede, thefte, or wroung on hand, he shal lese þe fraternite perpetueliche. Also ordeyned it is, þt what man or woman þt wille comyn in to þe fraternite porow deuocion of þt holy martir seynt Thomas, for to fyndyn, þe tyme comyng, þe fornseide lyght, to þe worchep of god and of seynt Thomas (be als meche as it may nout be found wt-out mennys Elmes and deuocion), he shal payne v.s. Also it is ordeyned, be on assent of alle þe Company, þt what man or woman of þe fraternite þt falle in pouert, porow losse on þe se, or porow fire or any manere othir, sond of god, alle þe bretheryn and sisteryn of þis gild shul ben gadred in fere, and helpyn hym wt a porcion of here katel, vp here powere. Þeis ordennauns were ordeyned be on assent of alle þe bretheryn and sisteryn of þis gild, to meyntene and fulfillyn þeis forn statuz, to þe worchep of god and of seynt Thomas, to lestyn wt-outen ende. And þe Clerke shal haue for his trauaile, iij.s.; And þe dene, for his trauaile in þe ȝere, xvij.d.

Be it open and knowen apertiliche vn-to ȝow, be þeis presentes, þt we fulliche vndirstondend þe lettres sent fro ȝour Chauncrye vn-to vs, shewend and seyend on þe manere, þt we shuldyn send ȝow a kopy of our statuz and þe summe of our katel. We do ȝow to wetyn þt þis is þe very kopy of our statuz, and þt xl.s. is þe ful summe of our katel, redy at our lord þe kynges wille.

XVIII.

[GILD OF ST. LEONARD, LYNN.*]

*He sunt ordinaciones Gilde sancti Leonardi Confessoris
de Lynne.*

In honore sancti leonardi confessoris. In þe worchep of god alle-myghti, and of his modir seynt mary, and of alle þe holy company of heuen, and specially of þe holy confessour seynt leonard, þe Gilde was be-gonne in Damgate in þe toun of Lenne, þorow þe deuocion of men and women, to fyndyn be-forn on ymage in þe Chirche of seynt Jame of lenn, in þe worchep of god and of seynt leonard, on Candelle of j.*li.* waxe, to brenne ouery festiuale day in þe 3ere, a-forn þe ymage of seynt leonard. Alle-so it is ordeyned, be on assent of alle þe bretheryn, þat eueriche brothir and sistir shal offren at þe Chirche of seynt Jame, on þe soneday nexte aftir þe fest of seynt leonard, *ob.*, in þe worchep of god and seynt leonard. Alle-so it is ordeyned, be on assent of þe brethren, to haue foure morspeches in þe 3ere. Þe firste shal bene þe moneday neste aftir þe forseide soneday. And at þe mornspeche, þorow on assent of alle þe brethen, to chesen an Aldirman, wise and able to reule þe Company to þe worchep of god; and also foure men for to reseyuen and kepyn þe katel of þe Gilde; and also on certayne Oficere to warnyn alle þe brethren to comyn to chirche; and also on clerke, to wryten þe katel of þe gilde. Þe secunde morspeche shal bene aftir þe Purificacioun of our leuedy. Þe thred, aftir þe feste of Phelip and iacob. Þe fourte, aftir þe feste of seynt Petre ad uincula. Alle-so it is ordeyned, be on assent of þe brethren, be als mechil as þe lyght

Beginning of the
gild.

There shall be
four general
meetings every
year. At the
first, there shall be
chosen an Alder-
man, four
Stewards, a Dean,
and a Clerk.

* CCCVIII. 119. Condition, fair; except in the lower lines.

New-comers shall pay three shillings each.

Burial services.

In case of loss by sea, or other mishap, help shall be given.

If death outside the town, the body shall be fetched at cost of the gild.

Prisoners shall be visited and comforted.

Rebels against canon law, shall be put out.

Goods of the gild.

fornseide ne may nout be meyntened in þe tyme for to come, euery man þt wille wt good deuocion comyn in-to þe ffraternite, shal pay iij.s. Alle-so, if any brothir or sistir deye, þe aldirman shal comand þe Oficere to warnyn alle þe bretheryn and sisteryn to bryng þe Cors to þe chirche, wt waxe brennend, and þe waxe for to brenne in þe tyme of seruice. And euery bropir and sistir shal offren at þe messe for þe body ob. 3efe any brothir or sistir of þe Company be in any mischefe, þorow losse of þe se, or any other myshappes, þorow goodes sond, þe company shal ben gadered to-gedir and helpyn hym. 3efe any broþer or sistir of þe gild dye wt-in a mile a-bouten, and haue nout whereof to bryng hym to þe erthe, þe Aldirman and þe gilde brethren shuln wend and bryng hym to þe erthe on þeire owe costages. And if any bropir dye wt-in þe iij. mile aboutyn, þe Aldirman shal gon and beryne hym, or ellis hyren a man of here costages to bryng hym to þe erthe. Þere shal no bropir ne sistir sene othir in prison, þt he shal comyn and vesityen hym, and comfordyn hym in his powere. Also, if any bropir or sistir of þis gild dye, he shal haue xv. messes songyn for his soule. Also, what man or woman of þis gilde be rebel ageyne þe lawe of holy chirche, he shal lese þe fraternite of þis gilde tille he come to amendment.

Be it open to 3ow, be þe presentes, þt we fullliche vndirstondend 3our lettres sent to vs, seyend on þe manere, þat we shuld send 3ow a kopy of our statuz, and also þe summe of our katel. We do 3ow openliche to wetyn, þat þe summe of our katel is xxi.s. viij.d., redy to our lord þe kinges wille.

XIX.

[THE GILD OF YOUNG SCHOLARS,] LENNE.*

*Hec sunt ordinaciones et consuetudines gilde sancti Willelmi,
Lenne Episcopi.*

In þe worschip of ihesu crist, and of his modyr seynt marye,
and of þe holy martir seynt Wiliam, a fraternite was be-
gonne, in þe 3er of oure lord M^l.CCC.LXXX^o.IIJ^o., of 3onge scolers, to
mayntene and kepen an ymage of seynt Wylyam, standyng in a
tabernakle, in þe chirche of seynt Margarete of Lenne, fyndende
afor þe forseyd ymage vj. tapers of wax, brennende iche festiual
day, to þe worschip of god and of his modyr marye, and of
seynt Wiliam þe holy martir.

The gild was
begun A.D. 1383.

Also afterward, men seende to þe deuocioun don in holy
chirche, and hauende affeccioun to þe holy martir seynt Wiliam,
askynd þe fraternite, 3euende of here fre wylle, eueryche after her
power, to mayntene and to kepen þe forseyd ymage, withe þe
lighte, in þe forseyd chirche, also longe as her catel myghte
endure.

Gifts in support
of the gild.

þan afterward, be assent of þe breþeren, 3ernende to ben
encresyd, to þe worschip of god, was ordeynd þt what broþer
deyed of þe fraternite of seynt Wiliam, schulde haue of þe
godys of þe gilde, withe-outyn any delay, xxiiij. messis to
helpyng of his soule, and also, at þe day of his beryng, eueryche
broþir, quiche myghte leeffully, schulde come and gon wt þe cors
to chirche, and offren as þe maner is vsyd in þe toun of Lenne.

Burial services.

Also ordeynd it was, be on assent of þe forseyd fraternite,

* CCCX. 65. Condition of what remains, fair; but fully one-third
destroyed.

Help in case of
poverty, loss at
1 (sic.)
sea, or other
misadventure.

þt quat broþir felle in-to pouerte, be losse of þe se, or any mys-
happe of þis werd¹, he schulde, foure tymes in þe 3ere, ben releued
withe þe godys of gilde, be on assente of þe breþeren, as þei sowen
here godys myghte suffysen.

Three speakings
together of the
gild shall be held
every year.

Also it was ordeynd, be on assente of þe forseyd fraternyte,
for to haue a spekyng to-gedyr thre tymes in þe 3er: þe fyrst,
þe sonday after seynt micael þe arcaungyl; þe secund, þe son-
day after þe fest of þe conuersioun of seynte poule; þe þird, after
þe fest of philip and jacob. In quiche dayes þe maister of þe
gilde, wiþ on assent of þe breþeren, schulde sen þt þe godes of þe
gilde were spente and kepte vppe þe askyng of þe forseyd or-
dynauncys, to þe worschip of god and of his moder marye and
of seynt Wiliam þe holy martir.

Accounts shall be
then rendered.

All the bretheren
shall go to church
on one day in the
year, and hear
mass, and make
offerings.

Also ordeynd it was, be on assente of þe fraternite, þt þe
general day schulde ben helde [vppon] þe feste of reliques, in þe
chirche of seynt margarete atte Lenne. In quiche feste all [þe
bretheren] quiche myghte leeffully comen, warned be þe officer
of þe gilde, schulde come in[to a ho]nest place, honestliche and
peysibliche to gon to þe forseyd chirch, pere to here[n a messe
in] þe worschip of god and of seynt Wiliam, offerend atte messe
as devocioun of; and also, on þe same day
in special, to haue a messe of requiem for [þe soules of alle] þe
breþeren and þe gode doers of þe forseyd gilde. And alle breþeren
[schul come to þis messe] of requiem, to offren.

Mis-doers shall be
put out of the gild.

Also ordeynd it was, be on assente of þe breþern of þe
liche were prouyd rebel ageyn þe kyng, his lige lord,
[un]buxom a-geynes þe lawes of *holy chirche, schulde
fauour and þe benefis of þe forseyd gilde
kyng, and reconsiled be holy chirche, to his sta

Officers shall be
chosen.

Also ordeynd it was, be on assente of þe breþeren,
man wyse, and a-vyse and profitabyl to þe
a clerk, to wryten and entren þe name
of þe forseyd gilde; and also
and leeffull vsages ordeyned.

* "þe" was written before "holy," but has been erased.

Also ordeynd it was
 messys, and oþer costes
 encrease of godys
 if he
 eueriche b
 seyl of

 as þe godes*

Also, for as myche as we weren beden, be vertu of þe
, to certefyen 3^u of godes and chateux, we
 do 3^u to witen þat þ^e fraternite [*quiche we*] haue late be-gonne,
 hat3 dispent in þe chirche of seynt margarete, to þe worschip
 of god and seynt Wiliam, aboute honest werkys named in þe
 forseyd ordinauncys, þe godes quiche han be 3ouen of þe bre-
 þeren comend into þe fraternite, to be spent in þe ordynauncys
 and þe leefful vsages forseyd. Wherefore, as children in 3onge
 age, hopyng in tyme comyng to haue ben encresyd be help and
 counseyl of wyse men, oure godes han dispent as we han for-
 seyde; no catelle kepende,—trostende, as children, withe 3iftes to
 ben amendyd.

All the goods of
 the gild have been
 spent.

We hope to have
 more gifts made
 to us.

Expliciunt.

Johannes Goldsmyth est Magister et Custos Gilde supra-
 dicte.†

* In cases like the present, where a large part of the original has been destroyed, the blanks thus left will not be filled up, as it is impossible, where the words wanting outnumber those that are left, to restore the former with certainty. The blanks thus appearing in the print by no means equal what is lost in the original; but they show how many lines, or parts of lines, have become irrecoverable.

† These words are written in another hand and ink.

XX.

[THE SHIPMANES GILD, LYNN.*]

Statuta de Gilda Exaltacionis sancte Crucis, vocata Shipmanesgilde, de Lenn.

The gild was
begun A.D. 1368.

Three meetings
shall be held every
year, on days
named, or as the
Alderman shall
appoint.

Every brother
must come to
every meeting, if
able.

The Dean shall be
fined if he fail to
summon any.

Officers chosen,
and not serving,
shall be fined.

New-comers shall
pay the usual
house-fees and
entrance-money.

In ye honr of ihesu cryst of heuene, and of his modir seynte marie, and of alle holy halwyn, and specialeke of ye exaltacion of ye holy crouche, in septeembre yis fraternite is funded and stabeled, and, be ye grace of god, euere more to lasten, in ye 3er of oure lord a Thousand CCC.LXVIIJ. And yis fraternite schal haue iij. morwespeches be 3ere, and mo if it nede be. Ye ferste morwe-speche xal be after ye drynck: ye toyer xal be ye sunday after candilmesse day: ye thridde xal be ye sunday after ye Natiuite of sen Jon day, baptist. And if yese morwespechyis be-forn inemed be nouht holdyn at ye serteyn day a-sygned, ye aldirman xal heldyn hem at wat tyme he set3 most profyte to ye gylde. And if any broyer be somound to any morwespeche, and he be in toune, and wil nouht come, ne no leue haue of ye aldirman, he xal paye a pound of wax to ye lyt3. And if ye den fayle of hys somouns, he xal paye, for euerilk broyer yt is in toune and nowt somounded, iij.d., but if he haue grace. And qwo-so be chosen in office of aldirman, and he for-sake his offyce, he xal paye, to amendement of ye gylde, iij.s. And qwo is chosen in office of skeueyn, and he for-sake ye office, he xal paye iij.s. And ye den, xij.d. And qwo-so entre3 in-to thys fraternite, he xal paye ye rytes of ye hows, at his entre, viij.d.; yt is for to wetene, to ye aldirman, iiij.d.; to ye clerk, ij.d.; and to ye den, ii.d.; and fynden two suffysaunt borwes to make payment of ye

* CCCX. 156. Condition, bad; and a fourth of the whole destroyed.

catel for his entre in ye ferste 3er. And if any broyer of yis fraternite be ded in thys toun, ye den xal do come ye candelis of ye gylde to ye dirige, and warne alle ye gylde breyeren y^t ben in tounne to comyn, and go wit ye body to chirche, and offere yere an halpeni at ye messe for ye soule. And if ani broyer be ded wit-owten ye toun, ye aldirman xal do ye belleman gon for ye soule, and ye den xal somoune alle ye gylde breyeren, and don as it is aforn-iseyd. And qwo-so is somouned, and come nouht, he xal paye, at nest morwespeche, to lyth, a pound of wax. And euerilke broyer of yis fraternite y^t is ded, xal haue for his soule xl*d.* to messes. And qwo-so be rebel or vn-buxum ageyn3 ye aldirman, in time of drynck or of morwespeche, vnskyffulleche, he xal paye to ye lyht iiij*li.* of wax. And if ani broyer be rebel ageyn3 oyer, he xal paye iiij*li.* of wax. And if ani broyer of thys fraternite bere oyer ani falsed on hande, or wronge, and it may be proued, he xal paye iiij*li.* of wax, and sythen make pes to hym y^t he hat3 trespassed ageyn, be asent of ye aldirman and of men of ye counseyl. And qwo-so discuret3 ye counseyl of ye gylde of yis fraternite to ani straunge man or wymman, and it may ben proued, or, xal paye to ye lyht ij. ston of wax, or lese ye fraternite tyl he may haue grace. And ordeyned is, y^t [*ye catel of yis*] fraternite y^t ye skeueynes xuln haue on hande, it xal be deliuered to hem be suffisaunt borwes, and be bryngen ye catel, wit ye encresement, at ye general morwespeche, by-forn ye aldirman and ye gylde [*breyeren*. And none xal be re]bele or lettynge, so y^t ye catel of yis fraternite in no maner be lessid, vp ye peyne, of ilk a skeuey[*ne, of . . pound wax, or his bor*]wis for hym. Also ordeyned is, yat no broyer of yis fraternite xal geue no wed an borw on oyer in til no plase, for dette ne for trespace, ne for non oyer cause, tyl swilk tyme y^t he hat3 of yis fraternite, and to ye breyeren y^t ben chef of ye counseyl. And ye aldirman and ye And if yei moun nowt acorden hem, ye aldirman xal geuen hem leue to make [*her suyt at ye commune lawe*.] And qwo-so do nowt as it is aforn iseyd, he xal paye to

Services for the dead, and offerings.

The bellman shall summon all.

Masses for souls of the dead.

Unruly bretheren shall be fined.

One wronging another shall be fined, and shall make peace.

Penalty for disclosing the affairs of the gild.

The Stewards shall render an account of the goods of the gild, and of the year's profits, at the yearly general meeting, under penalty, to be paid by themselves or their sureties.

No gild-brother shall give pledge or become surety for another, in any plea or suit, without leave of the Alderman and others.

The Alderman, &c., shall do their best to adjust the quarrel; but, if unable, shall give leave to make suit at law.

Fine for disobedience.
 Allowances to the officers on feast days.

Help to poor bretheren.

Payments shall be made for every voyage; and a yearly payment if no voyage made.

The ale-chamber not to be entered.

New-comers shall swear to maintain the ordinances of the gild.

New-comers must undertake to come to the yearly meetings, if at home, and must make their payments.

The livery-hood shall be kept for two years.

On death of a brother, all the rest shall be summoned, and shall come to the service in their livery-hoods, and make offerings.

None shall leave until the service is done.

ye lyht3 a ston [*of wax. And ordeyned is, yt ye aldirman*] xal haue, euere-ilk day wil ye drynck lestet3, ij. galouns of ale; ilk aske[ueyne, j. galoun; ye clerk, . . . ; and ye dene, . . . And] ordeyned is, yt if ani broyer of yis fraternite be in pouerte, or in ani mysch[eif, so yt he may nowt of hys owene hol]pen hymself, yan xal he ben holpyn wit ye comoun catel of yeren, and wit here owyn catel if it nede be. Also ord[eyned is, yt euereilk broyer of yis gylde] xal paye to ye lyht3, for ilk a fare, vj.d.; and he and maket3 no fare, he xal paye, be 3ere, to am ye ale lyt3, wit-outen leue of men of ye offis aldirman is chesen in his offys he xal fraternite and ye statutis yt ben qwan ye aldirman is and alle ye men yt for to helpyn and mayn ye olde aldirman xal te make ani d not fulfillyn it, he xal ryset3 but men of offys. And qwo-so fraternite, for to ben a broyer of yis gylde, a broyer of yis fraternite, xal come euere-ilk a 3er, qwan he is in toune, same 3ere, and paye yerfore as ye ordinance is; and qwo-so do nowt as it is afor iseyd, he xal paye, to amendement of ye [gilde], ij.li. of wax, or lese ye fraternite. Also yt euereilk a broyer xal kepe hys hod of lyuere of yis gylde be two, vp ye peyne for to paye two pound of wax, or lese ye fraternite. Al-so, if ani broyer of yis gylde be dede, ye den xal warn [*alle ye*] gylde breyeren yt be in toune, for to takyn on here hodie yt ben ordeyned of lyuere for ye gylde of ye same 3ere, and comen to [messe] and offere as it is afor iseyd. And qwo-so is somouned, and come nowt, but if he haue leue of ye Aldirman, he xal paye, to [amen]dement of ye gilde, j. pound of wax, or lese ye fraternite. And ordeyned is, yt ilk a broyer yt is in toune, and comet3 to ye offrende, he xal dwelle to ye messe be don, and gon

hom wit ye aldirman. And qwo-so make defaute, and do nouht Fine for default.
 as it is aforn-iseyd, but if he haue leue of ye aldirman, he xal
 paye a pound of wax, or lese ye fraternite.

In festo sancti Dunstani, Episcopi, anno Domini m.cccc. A new ordinance, A.D. 1381.
 lxxxmo. primo :—Ordeyned is, yt if ani broyer of yis fraternite Burial service in the case of any brother dying outside the town.
 be ded witz-uten ye toun of Lynne, yan xal ilk a broyer of yis
 fraternite yt is in yt place, xal comyn and gon wit ye cors to
 cherche, worchepefulleke, and offere yere an halpeni, and be yere
 tyl he be beried. And qwo-so do nowt as it is aforn-iseyd, he
 xal paye, to amendement of yis fraternite, ij. pound of wax, or
 lese ye fraternite.

In festo sancti bartholomei apostoli, anno domini m.cccc. Another new ordinance, A.D. 1382.
 lxxxij^o.:—Ordeyned is, yt ani broyer of yis fraternite be dede in Burial service for those dying in West Lynn or South Lynn.
 west Lynne, or in south Lenne, ye den xal do comen ye
 torches of ye gylde to ye dirige, and warnen alle ye gylde
 breyeren yt ben in toun, and gon and don as it is aforn iseyd.

[Traces of two lines more are found on this return ; but
 nothing can be made out, save that the goods of the gild were
 there named.]

XXI.

[GILD OF THE NATIVITY OF ST. JOHN THE BAPTIST,] LENNE.*

Three meetings shall be held every year, to which every brother and sister must come, under penalty.

¹ (*sic.*)

The Dean shall be fined, if he fail to summon any.
New-comers shall pay the usual house-fees.

Services for the dead, and offerings.

Penalty for bewraying the affairs of the gild.

Officers chosen, and not serving, shall be fined.

In ye worchipe of ihesu crist of heuen, and of his der worthi moder seynt mare, and of all hallowen, and specialyke of ye Natiuite of seynt Jone ye Baptist, in quose worchipe yis fraternite is be-gunnen, be ye sent of alle ye breyeren and systers of yis gilde, to haue yre mornspeches be ye zere. Ye fyrst schal be ye next souneday after ye general day : ye secunde schal be ye souneday be-fore hallomese day : ye yre schal ben ye souneday be-for Pentecost. Also, if anny broyer or sister be somonde to anny of yis mornspeches, and he be in tone, and wil nocht come, ne make non atturne for home¹, ne non leue axken of ye Alderman, he schal pay, to amendement of ye lyght, *di.* pounce of waxe, bot if he haue grace. And if ye deen faylith of his somonse, for euery broyer or syster, *j.d.* And who-so entres in to yis fraternite, he schal pay to ye ryghtes of ye hous ; y^t is for to say, to ye Alderman, *j.d.* ; ye clerk, *ob.* ; ye deen, *ob.* ; and to ye waxe, *ob.* And if anny broyer or syster of yis gilde be dede, ye deen schal brynge ye candeles of ye gilde to ye diryge, and warn all ye breyeren and systers of ye gilde to come offere wyth ye dede a q^r., and a q^r. to ye almes. And he y^t offers nocht for ye dede, he schal paye, to amendement of ye lyght, *j.d.* And who-so be-wreys ye counseil of ye gilde to anny straunge man or woman, and hit may be prouid be anny broyer or sister of yis gilde, he schal pay, to amendement of ye lyght, a pounce of waxe. And if ye Alderman be chosen, [*and for*] sake is office, he schal pay, to a[mendement] of ye lyght, *ij.* pounce of waxe ;

* CCCX. 165. Condition, bad.

eiſer ſkyueyn, *di.* pounce; and ye deen, *di.* pounce of waxe. And if anny broyer or ſiſter be dede of yis gilde, he ſchal haue meſſes for his ſoule, of ye propere cattel of ye gilde, y^t his for to weten, xij. meſſes. And who-ſo entres in to ye chaumbre yer ye ale lyth in, and aſkes no leue of ye officers of ye gilde, he ſchal pay, to amendement of ye lyght, *j.d.*, bot he haue grace. Also, ye deen ſchal haue for his travayle, be ye zere, *vj.d.*; ye clerk, *vij.d.* Also, ye ſkeueyns y^t hath ye catel of ye gilde, yei ſchal fynde borowes of ye catel, to bryng hit before ye Alderman and ye gilde breyeren and ſyſters atte ye general mornſpeche; and if he do noght, he ſchal pay, to amendement of ye lyght, *ij.* pounce of waxe, bot if he haue grace. And y^t no man dwelle longer in ye hous yer ye gilde his holden in, yen ye Alderman. He y^t doth, ſchal pay, to amendement of ye lyth, *j.d.*, bot he haue grace. And ye Alderman ſchal haue, for his ffeſſe in tyme of drynkyng, *ij.* galons of ale; euery ſkeueyn a galon; ye clerk a potel; and ye deen a potel. Also, if anny broyer or ſyſter be ſeke, in tyme of drynkyn, he ſchal haue a potel of ale. Also, if anny broyer or ſyſter fallyth in pouerte, and may noght helpe hym-ſelfe, he ſchal haue, of euery broyer and ſyſter, atte every mornſpeche, *j.d.* And who-ſo entretz into yis fraternite, he ſchal pay for his entre *ij.s.*, and fynde *ij.* borowes for ye catelle.

Johannes Tyringtoun	}	Sunt custodes dicte
Robertus Thornegge		gilde; et habent,
Willelmus folkarde		de bonis ejusdem,...

Masses for souls
of the dead.

The ale-chamber
not to be entered.

Salaries of the
Dean and the
Clerk.

The Stewards shall
find sureties for
the goods of the
gild, and render an
account at the
yearly general
meeting.

No man shall stay
in the gild-house
after the Alder-
man has left

Allowances to the
officers on feast
days, and to sick
bretheren and
sisteren.

Help to poor
bretheren and
sisteren.

Entrance money.

The stewards of
the gild.

XXII.

[GILD OF ST. THOMAS OF CANTERBURY,] LENNE.*

Four meetings shall be held every year, to which all must come, under penalty.

New-comers shall pay the usual house-fees.

Attendance at meetings must be punctual.

Services for the dead, and offerings.

Masses for the soul.
Sureties and entrance money of new-comers.

Allowances to the officers on feast days.

Help to the poor.

Yese ben ye status off ye gylde of seynt Thomas of cauntyr-bury. And ordeynyd it is, yat yis gylde shal haue iiij. morwe-speeces be ye 3ere. Ye fyrst morwe-speche shal ben ye soneday next aftyr ye drynkyng: ye next shal ben ye soneday be-forn halwemesse day: ye yredde shal ben on ye soneday be-forn Lammes day: ye ferde shal ben ye soneday be-forn wyth-sounday. And ho-so ys somownd to yese morwe-specys, and yei ben in towne, and wil nowt come, he shal pay, to amendement of ye gylde, half a pownd of wax. And who-so entrys in to y^e fraternete, he shal pay to ye ryztys of ye hous; yat is for to say, to ye alderman, *j.d.*; ye den, *ob.*; ye clerk, *ob.*; ye wax, *ob.* And ho-so komys aftyr prime be smytyn, he xal pay, to amendement of ye lyzthe, *j.d.* And what broyer or syster of yis gylde be ded, ye den shal don ye candelys of ye gylde to ye dryrge; and euery broyer and syster shal offeryn ij. q^{tre} and j. q^r to ye almes: and he yat offeryt nowt, he schal at ye next morwe-speche, to ye helpynge of ye lyzth, *j.d.* And who-so be ded of yis gylde, he shal haue messys for his soule xxvj. And who-so entrys into yis fraternite, he shal pay to ye ryzthys of ye hous, and fynde to Borwys of ye catel, and he shal payen for hys entre xl.d. And ye aldyrman shal haue, euery day, to hys fyse, tyl ye drynk lastes, ij. galonys of ale; euery skeuen, a galon; ye clerk, j. potel; ye den, j. potel. And who yat fallyth in pouerert, and askyth helpe of ye gylde, euery broyer and syster of ye gylde shal gyue, every morwespeche, *j.d.*

* CCCX. 167. Condition, bad; a part destroyed.

And who-so ys chozyn in office of aldyrman, and he for-sake hys office, he shal pay, to amendement of ye ly3th, ij. pownd of wax ; euery* skeueyn a pownd of wax ; and ye den *di.* pound of wax. And who-so be [*seke*] in tyme of drynkyng, he shal have o[*ne galoun*] of ale. And who-so make any noyse [*in tyme of dryn*]kyng, wher-thorw ye breyere and [*sisteren shul be*] greuyd, he shal pay, to amende[*ment of the ly3th,*] *di.* pound of wax. And ordeyn[*yd it is, yat the skeueyns*] shul brygge ye catel of ye [*gylde, atte general morwe-speche,*] beforen ye aldyrman [*and ye gylde breyeren and systeren,*] ope ye peyne of [..... *And 3if ye*] den falyeth of hys [*somouns, he shal pay, for*] euery man and womman [..... *And who-so be-wrayeth*] ye counseyl of ye gilde [*to anny straunge man or womman,*] he schal pay, to amende[*ment of the gylde, . . . pound*] of wax. And who-so entrye[s *into ye chaumbre*] yer ye ale lyggys in, wyth-oute le[*ue of ye officers*] he shal pay, to amendement of ye lyght, *di.* pound of wax. And yat noman sitte lenger yan ye alderman, in payn of a pownd of wax.

Officers chosen, and not serving, shall be fined.

Allowances to the sick.

No noise to be made during feast-time.

The Stewards shall render an account of the goods of the gild at the general meeting.

The Dean shall be fined if he fail to summon any.

Penalty for bewraying the affairs of the gild.

The ale-chamber not to be entered.

No man shall sit at feast longer than the Alderman.

The Stewards, and the goods of the gild.

Ricardus Harpole	} Custodes dicte Gilde,
Willelmus ffolkarde	
Johannes Patyrmak	
Rogerus Broun	
	habent, equis portionibus, de bonis dicte Gilde, xl.s.

* This word is written twice over in the original.

XXIII.

[GILD OF ST. PETER,] LENNE.*

The gild was
begun A.D. 1329.

Four meetings
shall be held every
year; at each of
which every
brother and sister
shall pay a half-
penny, towards
maintaining a
light burning
during divine
service.

Penalty for not
coming to any
meeting.

The Dean shall be
fined, if he fail
to summon any.

Officers shall be
chosen by picked
men.

Officers chosen,
and not serving,
shall be fined.

Services for the
dead, and offer-
ings.

This ys ye statuz of ye gyld of ye holy apostyl sente peter, by-gunnyn in ye toune of Lenne, in ye wrchepe of god and of oure lauedi sente marie, and of ye holy apostyl sente peter, in ye yere of oure lord m^o.ccc^{mo}.xx. nono.† And yis gyld schal haue foure morne-spechis in ye yer. Ye frist schal bene after ye drynkyng: ye secund schal ben ye sonday nest be-fore mielmes day: ye thyrd schal be ye sonday nest be-fore candelmes day: ye ferd schal be ye sonday nest be-fore sent austenis day in may. And at euery morne-speche, eueriche broyer and syster y^t longythe to yis gyld schal pey an halpeny, to meyteyn wit-al a lythe brennyng in ye chyrche of sent Jame, a-fore ye ymage of sent peter, ye quile yat deuine seruise is seyde in festiual dayys. And quo-so be somund to any morne-speche, and he be in toune, and wyl not come, ne make non aturne for hym, he schal a peny to ye lythe. And if ye dene faly of hys somonis, he schal peynn, for eueriche y^t is not somonde, j. peny to y^e lythe. And eueril yere schal ye alderman clepyn up iiij. men of y^e gyld, to chesyn an alderman, skyueyns, and den, y^t ben profeth-abil to ye gyld. And if any of hem y^t is schosyn for-sake is offyse, he schal peynn to y^e lythe: y^t is forwetyn, ye alderman, j. pound of wax; eueriche skeueyn, *di. li.* wax; and ye dene, a quarter. And if any broyer or syster of y^e gyld be ded, ye den schal do comen y^e candelis to y^e dyrige, and somon al y^e cumpanye for to gone wit y^e corse to chirche

* CCCX. 168. Condition, very bad.

† The MS. is so much damaged that I cannot be certain whether the date is not M.CCC.XXXIX, instead of M.CCC.XXIX.

and offeryn. And if he ne wil come, and he be in hele and in toune, he schal peynn, at nest morne-speech, to y^e almes for is soule, ij. pens. And eueriche broyer and syster y^t is ded of y^e gyld, he schal haue for is soule xx^{ti} messis. And y^e alderman and ye skeuynis schullyn do synge ye messis wit-in y^e thyrday after he is ded, on y^e perile of here soulis. And ordeynid it is, y^t y^e catel of y^e gyld y^e alderman schal delyuere to y^e skeuynis, be sufficient borus to bryngyn y^e catel ageine at y^e general morne-speche, be-fore y^e alderman and y^e gyld bretheryn, of peyyne of ij. li. wax. And y^e alderman schal hauen, eueriche day y^e qwile y^e general drynkkyng lestylt, ij. galonis hale for is fees; eueriche skeueyne, j. galon; and y^e den, j. potel; and y^e clerke, j. potel. And quo-so enter into yis gyld, he schal makyn feythe to y^e alderman for holdyn of yeyse statutis: and sythen peynn ye rythys of y^e house; y^t is for wetyn, to y^e alderman, j. peny; ye clerk, j. peny; y^e den, ob., and to y^e wax, ob.: and sythen mak god hys entrees, if y^e cumpanye and he is acordid, or elis fyndyn borws to peynn w^t-ynne certeyn dayis. And ye dene schal haue, for is traualye in y^e 3ere, vj. d. And also ordeynid it is, y^t qwat broyer or syster bere oyer ani falsed or ani wronge on hande, or, and it may be prouyd be men of y^e self gyld, he schal payyn, to y^e reparacion of y^e lythe, di. li. wax. And qwat broyer or syster falle in pouerte, and may nout helpe hym-self, yanne schullyn y^e breyeryn and y^e systeryn helpyn hym of here almesse.

Any one not coming, if able, shall be fined.

Masses for the soul

The Alderman shall deliver the goods to the Stewards, upon surety given to render account thereof at the yearly general meeting.

Allowances to the officers on feast days.

New-comers shall undertake to keep these statutes; and shall at once pay the usual house-fee; and, at the same time, shall pay the entrance-money, or find sureties.

The Dean's salary.

Any brother or sister wronging another, shall be fined.

Help to poor bretheren.

3is is y^e verve copie of ye gylde of sent Petyr y^e apostyle, holdyn in Lene afore-seyde, wrytyn on y^e feste of seynte hillari, Anno Domini millesimo cccc octogesimo octavo.

This is a true copy, and was written on 13th January, 1388 [9].

[A list of some names, with other memoranda, follow the above in the original; but they have become entirely illegible.]

XXIV.

[GILD OF THE PURIFICATION,] LENNE.*

Thys ys the Gylde of the Purificacion of owre lauedy seint marie, bygunnyn in the toune of Lenne, in the worchype of god and of oure lauedy seint marie : and it schal ben holdyn on candelmesse day. And thys gylde schal han iij. morwe-spechys be yere. The fyrste schal ben on seint Blasyes day : the secounde schal be the soneday nexte after the feste of seinte Barnabe apostole : the thrydde schal be the soneday after the feste of seint Dyonisii. And euery yer schal the Alderman callyn vp foure men of the gylde bretheryn, for to chesyn alderman and skyueynys that ben profitable for the Gylde. And if any of hem that arne chosyn forsake the office, he schal paye, to amendement of the Gylde, xij.d. And if any brothyr or syster be deed, the Deen schal do comyn the candelys of the Gylde to the dirige, and euery brothyr and systyr schal offere j.q^r. for hys soule. And euery brothyr and systyr that deed ys, schal han, of the catelle of the gylde, xl. messes, wythynne the thrydde day after hyse deth. And who-so entre into this ffraternite, he schal paye, to the amendement of the gylde, xl.d. Also, if any brothyr or systyr of this gylde be in mescheef, euery brothyr and systyr schal yeuyn hym iiij.d. yche yer, tyl he may helpyn hym-self.

The gild shall meet on Candlemas day, and have, besides, three meetings every year.

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall be fined.

Services for the dead, and offerings.

Masses for the soul.

Entrance-money of new-comers. Help to those in trouble.

The Alderman and Stewards : and the goods of the gild.

Walter Glouere, Aldirman.

William Gedyngton	} Skeueynys ; and han
Johannes Payabele	
Rogerus Folsham	
Willelmus Waltham	
} in hande, of the	
} catelle of the Gylde,	
} xxxviij.s. viij.d.	

* CCCX. 185. Condition, good.

XXV.

[GILD OF ST. MARY,] LENNE.*

In ye worchippe of ihesu crist of heuene, and of his dere worthi moder seynt mare, and of ye Purificacioun, in quose worchippe yis fraternite is be-gonone. Be ye sent of ye breyere and ye systeres of ye gilde, to haue iiij. mornspeches be ye 3ere. Ye fyrst mornspeche schal be on ye general day, after mete: ye secunde schal be on ye souneday next after seynt Dunstoun day in may: ye yre schal be ye souneday next after seynt Mathew day: ye ferde schal be on ye souneday be-for seynt Thomas day be-for Cristenmes day. And al-so if anny broyer or syster be somonde to anny of yis mornspeches, and he be in toun, and wil noght come, ne make non attne for hym, ne non leue askyn of ye alderman, he schal pay, to amendement of ye lyght, *di.* pounde of wax, bot he haue grace. And if ye deen faylith of his somonse, he schal pay, for euery broyer or sister, *j.d.* And who entres in to yis fraternite, he schal pay ye ryghtes of ye hous; yt is for to say, to ye Alderman, *j.d.*; ye clerk, *ob.*; ye deen, *ob.*; and ye waxe, *ob.* And if anny broyer or sister of yis gilde be dede, ye deen schal brynge ye candeles of ye gilde to ye dirige, and warn al ye breyere and sistere to come ofter, wit ye dede a *qr.* and a *qr.* to ye almes: and he yt offeres noght for ye dede, he schal pay, to amendement of ye lyght, *j.d.* And who-so be-wreys ye counseyl of yis gilde to anny straunge inan or woman, he sal pay, to amendement of ye lyght, a pounde of waxe. And if ye Alderman be chosyn and he for-sake is offece, he schal pay, to amendement of ye

Four meetings shall be held every year; to each of which every brother and sister must come, under penalty.

The Dean shall be fined if he fail to summon any.

New-comers shall pay the usual house-fees.

Services for the dead, and offerings.

Penalty for bewraying the affairs of the gild.

Officers chosen, and not serving, shall pay a fine.

* CCCX. 203. Condition, bad.

Messes for souls of the dead.	lyght, ij. pounce of waxe ; every skeuyn, di. pound ; ye den, di. pounce of wax. And if anny broyer or syster of yis gilde be dede, he schal haue messes for his soule of ye propere catel of ye gilde, yt is for to weten xij. messes. And who-so entres in to ye chaumbere yer ye ale lyth in, and askes nou leue of ye offesers of ye gilde, he schal pay, to amendement of ye lyght, j.d., bot he haue grace. Also, ye deen schal haue for his trauayle, be ye zere, vj.d. ; ye clerk, viij.d. Also, ye skeuens yt hath ye catalle of ye gilde, yei schal fynd borowes for ye catalle, to bryng hit be-for ye Alderman and ye gild breyere and sisters of yis gilde atte general mornspeche. He yt do noght, he schal pay, to amendement of ye lyght, ij. pounce of wax, bot if he have grace.
The ale-chamber shall not be entered.	And yt no man dwelle in ye hous yer ye gilde his holden in, lenger yen ye Alderman : he yt doth, he schal pay, to amendement of lyght, j.d., bot he have grace. And ye Alderman schal haue to his fesse, in tyme of drynkyn, ij. galons of ale ; euery skeuen, a galoun ; ye clerk, a potel ; and ye Deen, a potel. Also, if anny broyer or syster be seke, of yis gilde, in tyme of drynkyng, he schal haue a potel of ale. Also, if anny broyer or syster of yis gilde fallyth in pouerte, and may noght helpe hym-selfe, he schal haue, of euery broyer or sister, atte ilk a mornspeche, a peny. And who-so entres in to yis fraternite, he schal pay for is entre ij.s., and fynd ij. borowes for ye catalle.
Salaries of the Dean and the Clerk.	
The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.	
No man shall stay in the gild-house after the Alderman has left.	
Allowances to the officers on feast-days, and to sick bretheren and sisteren.	
Help to poor bretheren and sisteren.	
Entrance-money and sureties.	

Goods of the gild.

Robertus Thornegge, custos ejusdem [gilde],
habet, de bonis, v.s.

XXVI.

[GILD OF ST. KATHERINE,] LENNE.*

Theyse arne the ordinaunces of the Gylde of Seynt Katerine the virgine, of Lenne, ordeynyd be the assent of the bretheryn in the fyrste fundacion; that the brethere and the systres of the seyde Gylde, in the reuerence of god and alle halwyn, and specialy of seynte katerine, schulne fyndyn an candele brennennde, in the worchype of god and of seynte katerine, in the Chyrche of seynte margarete of Lenne; where, euery feste of the seyde maydyn, alle the bretheryn schun comyn, and offeryn at the heye messe. And they schun holdyn, euery yer, foure dayes of spekyngges tokedere for here comune profyte. The fyrste schal ben the nexte day after the feste of seynt katerine: the secounde schal ben the soneday nexte befor the feste of seynt Gregory: the thrydde schal ben the soneday befor the feste of seynt Jon Baptiste: the ffeerde schal ben the soneday nexte aftyr the feste of seynt mychelle. And if any brothyr or systyr be warnyd to comyn, and wyle nought comyn, at ony of theyse dayes, he schal payen, to the amedemente of the wax, *j.d.* Also, quat brothyr or systyr schal comyn into this fraternite, he schal payen, to the sustentacion of this gylde, *v.s.*, quanne that he may resonably. Also, if any brothyr be chosyn in office of Alderman, or Skeveynys, and he forsake it with-uten cause resenable, he schal paye to the wax *vj.d.* Also, quat brothyr or systyr be deed with-ynne Lenne, the Aldirman of this gylde schal doon beryn ij. torches, foundyn of the comune

A candle shall be kept burning in the church of St. Margaret; and on the feast of St. Katherine offerings shall be made.

Four days of speaking together shall be held every year; to each of which every brother and sister must come, under penalty.

New-comers shall pay five shillings each.

Officers chosen, and not serving, shall pay a fine.

Two torches shall be kept burning about the body of every dead brother or sister.

* COCX. 223. Condition, good; but a corner destroyed.

till buried; and
offerings shall be
made.

Masses for the
souls of the dead.

The Stewards, and
goods of the gild.

coste, to the place there the deed body is ynne, to brennyn
aboutyn the body the tyme of the dirige and of the messe, tyl
the body is byryd, in worchype of god and of seynt katherine.
Also, euery brothyr and systyr schal offeryn for the soule, in the
worchype of god and holy Chyrche, *j.ob.* Also, euery brothyr
and systyr that deyeth schal han *xxx.* messes, of the comune
almeasse of thys Gylde, for hyse soule.

Petrus Tapeser	}	Sunt Custodes Gilde su-
Willelmus Wodylle		pradicte, et habent in
Robertus Scherman		manibus suis, de bonis
Willelmus Lowyk		dicte Gilde, <i>xxx[iij.s.]</i>
Ranulphus Watyiledere		<i>iiij.d.,</i> equisportionibus.

Summa bonorum Gilde, *xxxiijs. iiij.d.*

XXVII.

[GILD OF ST. JAMES,] LENNE.*

In ye worchipe of ihesu cryst of heuene, and of his der worthi moder seynt mare, and of al halwen, and specilike of seynt Jame, in quose wyschepe yis fraternite is be-gunnen. Be ye sent of alle ye breyere and systers of yis gilde, for to haue iiij. morn-speches be ye 3ere. Ye fyrst morn-speche schal be ye souneday next after ye drynkyng: ye secunde schal be ye souneday next after halumesday: ye threde schal be ye souneday next after Fastyngonge: ye ferde schal be ye souneday next after ye trinite. Also, if anny broyer or sister be somonde to anny of yis mornspeches, and yei be in toun, and wil noght come, ne make non att'ne, ne non leue aske of ye Alderman, he schal pay, to amendement of ye lyght, *di.* ponde of wax, bot he haue better grace. And if ye Den faylith of his somons, for euery broyer or sister, a peny. And who-so entres in to yis fraternite, he schal pay ye ryghtes of ye hous: y^t is for to say, to ye Alderman, a peny; Clerk, *ob.*; Den, *ob.*; and ye wax, *ob.* And if anny broyer or sister of yis gilde be dede, ye Den schal brynge ye candeles of ye gylde to ye Dirige, and warn al ye breyere and systere of ye gilde come ofter with ye dede a fardyng, and a fardyng to ye almes. And he y^t ofter noght, he schal pay, to amendement of ye lyght, a peny. And who-so bewreys ye counsel of yis gilde to anny straunge mon or woman, and hit may be prouid be anny broyer or syster, he schal pay, to amendement of ye lyght, a ponde of [wax], bot if he haue grace. And if ye alderman be chosen, and he for-sake his office,

Four meeting shall be held every year: to each of which every brother and sister must come, unde penalty.

The Dean shal be fined if he fail to summon any. New-comers shal pay the usual house-fees.

Services for the dead, and offerings.

Penalty for bewraying the affairs of the gild.

* CCCX. 227. Condition, very bad.

Officers chosen,
and not serving,
shall pay a fine.

Masses for the
souls of the dead.

The ale-chamber
shall not be
entered.

Salaries of the
Dean and the
Clerk.

The Stewards shall
find sureties for
the goods of the
gild, and render
an account at the
yearly general
meeting.

No man shall stay
in the gild-house
after the alderman
has left.

Allowances to the
officers on feast-
days, and to sick
bretheren and
sisteren.

Help to poor
bretheren and
sisteren.

Entrance money,
and sureties.

The stewards, and
goods of the gild.

he schal pay, to amendement of ye lyght, a pounce of wax ;
euery skeueyne, *di.* pounce ; and ye Den, *di.* pounce of wax.
And if anny broyer or syster be dede of yis gilde, he schal haue
messes for his soule, of ye propere cattel of ye gilde, y^t is to
weten, xxx. messes. And who-so entre in to ye chaumbre yer ye
ale lyth in, and askes non leue of ye offecers of ye gilde, he schal
pay, to amendement of ye gilde, a peny, bot if he haue grace.
Also ye den schal haue for his travayle, be zere, *vj.d.* Also ye
clerk schal haue for his trauayle, be ye zere, *vij.d.* Also ye
skeuens y^t haue ye catel of ye gilde, yei schul fyndes borowes
for ye catel, to brynge hitt be-for ye alderman and ye gilde
broyere and systers atte general mornspeche ; and if yei do
nought, he schal pay, to amendement of ye lyght, *ij.* pounce of
wax, bot if he haue grace. And y^t no man dwelle lenger in ye
hous yer ye gilde is holden in, yen ye Alderman : he y^t doth, he
schal pay, to amendement of ye lyght, *ij.d.*, bot if he haue
grace. And ye alderman schal haue to his fesse, in tyme of
drynkyn, *ij.* galouns of ale ; eyer skeuen, a galoun ; ye Clerk, a
potel ; and ye den, a potel. And if anny broyer or sister of
yis gilde be seke, in tyme of drynkyng, he schal haue a potel of
ale. Also, if anny broyer or sister fallyth in pouerte, and may
nought helpe is-selfe, he schal haue, of ilke broyer and sister, at
ilk a mornspeche, a peny. And qwo-so entres in to yis fra-
ternite, he schal pay [*for is entre . . s.*], and fynde *ij.* borowes
for ye catel.

Johannes Tyrintoun } ejusdem gilde sunt custodes,
Johannes Thornegge } et habent, de bonis, xxxs.

XXVIII.

[GILD OF THE NATIVITY OF ST. JOHN BAPTIST,] LENNE.*

These arn the ordenaunce of ye gilde of ye Natiuite of seint Johan Babbiste, founden and ordeynd ye 3ere of hour lord ihesu m^l.ccc. and sextene. ffirst, yere schulen been holden yre morunspeche be ye 3ere. Ye first shal been ye next day aftere ye general day: ye secunde shal been ye sunday next aftere ye fest of seint martyn: ye tridde shal been ye sunday fowr-tenyt; aftere hestern. And if ony brothere or sistere be somound to is morunspeche, and wil nouht comen, ne make non attourne for him, he shal paye, to amendment of ye list, ij.*d*. And ordeynd it is, that eueriche yere, at ye general morunspeche, ye Alderman shal clepen vp iiij. men: and yei shul chesyn an Alderman, skyueyns, and deen, qweche yat yei seen is most profitable to meyntene ye gilde, to ye worschipe of god and of seint Johan. And if ony of hem yat is chosen, for-sake is office, and wyl nouht doon, he shal payen to amendment of ye list; yat is for to witen, ye Alderman, ij.*li*. wax; eythere skyueyn, j.*li*.; ye deen, *di*. *li*. Also ordeynd it is, yat ye skyuens shal hauen ye Catelle of yis gilde, shul fyndeen ij. sufficiant; borwes, to brynge ye catelle, at general morunspeche, by-forn ye alderman and ye gylde bretheren, vp ye payn of ij.*li*. wax, to amendment of ye list; and, ofyr yat, yei shul pursu for her Catelle in qwat cowrte yat hem liste. Also ordeynd it is, yat eueriche nyth qwil drynkynd lastet; at ye general time, yei shul haue ye preyeers for ye pees and ye state of holy chirche, and for ye

The gild was begun A.D. 1316.

Three meetings shall be held every year; to which every brother and sister must come, under penalty.

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall pay a fine.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

Every feast shall be begun with a prayer.

* CCCX. 82. Condition, fair; but nearly one-third destroyed.

The gild-candle shall burn the while; and all that are there shall be noiseless.

Services for the dead, and offerings.

New-comers shall undertake to keep the ordinances, and shall pay the usual house-fees and entrance-money.

Masses for souls of the dead.

Allowances to officers on feast-days.

The Dean shall be fined, if he fail to summon any.

The gild shall go to church in procession, on the day of their yearly general meeting, and hear mass, and make offerings.

pes and ya state of y^e lond; and yer-qwile shal ye Candelle yat longetz to ye gilde brennyng; and qwat man maket3 ony nowse in yat time, he shal paye, to ye amendement of y^e lizt, *ij.d.* Also, qwat broyere or sistere deye of yis gilde, ye deen shal do come ye Candelle to ye Dirige, and warn alle ye breyeren and sisteres yat yerto longetz, for to ben redy to beryn him to chirche, and offren an *ob.* for is sowle; and if he doot3 [*nout qw*]at is a-forn seyde, he shal paye, to a-mendement of ye lyt3, *di. li.* wax [*but if he*] haue a resonable excusacioun. Also qwat broyere or sistere entret3 [*into yis gilde, he*] shal make feyth to ye alderman to meynnten yeis ordinaun[ces, and shal paye all the] rites of ye hous; as is for to-witen, to ye Alderman, *ij.d.* [*to eueriche skryueyn, j.d.; to ye clerk, j.d.; to ye deen, j.d.*; and sythen paye for his entre ded, or elles fyndeene borwes for to payen in ce be ded of yis gilde, he schal xxx. messis for 30 messis shul been songen wt shal hauen for is fees be 3e ueyn a galoun; ye Deen a And if ye Deen faliet3 and sistere yat is in and sistere shal pay ye worsipe of god noman be rebelle ne non gilde broyer peyne of *di. li.* wax ye selue lyt3 yat is a songe is seyde in festial dayes. [*Also, or*]deynd it is, yat eueriche broyere and sistere shal be redy at ye hous qwere yat he gilde is holde, on ye general [day], for to go to ye chirche, *ij.* and *ij.*, wt ye alderman to-gedere, and here ye messe in ye worsipe of god and of seynt Johan, and offren, and also han a ozere messe for ye soules of hem yat been dede, and offren also; and qwat man or woman be fawty, he schal paye, to amendement of ye lizt, *di. li.* wax, but if he haue good excusacioun. / And qwat brothere or sistere

falle in pouerte, he shal be holpen w^t ye catelle of ye gilde,
 be ye ordinaunce of ye Alderman and of ye gilde breyeren.

Help to poor
 bretheren and
 susteren.

Thomas de Hylburgheworthe,
 Skynner, Alderman.

* *Ista est certificatio statutorum gylde Sancti Johannis Baptiste, ville Lenne episcopi.*

Ricardus Craimbudiges habet, de catallis dicte gylde, *xx.s. iij.d.* Goods of the gild.

Item Ranulfus de Dynton, *xx.s. iij.d.*

Item Adam de Smitton, *xx.s. iij.d.*

Item Johannes de Bambrugges, *xx.s. iij.d.*

* What follows is written in a different hand from the foregoing ordinances, and with an ink so faint that the names, and several of the words, are barely legible, though the sums put after the names happen to be quite plain.

XXIX.

[GILD OF ST. GEORGE THE MARTYR,] LENNE.*

The gild was
begun A.D. 1376.

A priest shall be
found, to serve at
the altar of St.
George.

Candles and
torches shall be
found, to burn
during service,
and at burials.

Services for the
dead, and
offerings.

This ffraternyte is be-gonnen in þe worship of Jhesu Crist of heuen, and of his modir seint mary, and specially of Seint George þe martir, in þe toune of Bisshopis Lenne, þe 3ere of oure lorde m^l.ccc.lxxvj. And þis ffraternite is be-gonnen in þis atent; to fynden a Preste to syngen atte autere of Seint George in þe chirche of Seinte margare of Lenne be-fore saide, in þe worship of god and þe holy martir, and for alle þe brethir and sistrin þ^t to þe ffraternite longes. Also ordeynd it is, þ^t þe seluel bretheren and sistres shal fynden v. candelles, brennand a-forn þe ‡ same autiere in festiual dayes, while þat diuine seruice is saide in þe chirche. And also ordeynd it is, þat shul fynden iiij. torches, ffor to brenne þe principal day at messe, and at exequies of euery brothir and sistir þat dies, and her messe is in doynge, and to þe body be boren to þe biryng, if it be þere present. And also ordeind it is, þ^t what brothir or sistir so be deed of þis ffraternite, þe aldirman shal do comen þe Deen, and warne alle þe compaignye þat longen to þis fraternite, man and woman, þat is wt-inne þe toune, to come to þe exsequies of hym or of hir þat is deede, whethir-so it be, and bene redy to beren hem to þe chirche, and for to offren for þe Soule as þe manere is to done for þe deede; and what man or woman so faille, shale pay j.d. to þe almes for his soule, and di. pounce of wax to þe mayntenance

* CCCX. 90. Condition, very bad; and destroyed in several places.

† This word is, by mistake, written twice in the original.

‡ This word also is written twice in the original.

of þe lizt. Also ordeynd it is, þat what brothir or sister die owte of toune, als-sone as þe aldirman may wit it, he shal, be þe deen, do comen þe compaignye to-gedre þat is w^t-inne þe toune, and done helden a messe solempnely atte autiere of seint George afore-saide, w^t þe lizt afore-saide, and euery brothir and sistir shalle offre, atte selfe messe, as þouȝ þe body were þere present, vp þe payne a[for]e-saide. And also ordeynd it is, þ^t what brothir or sister so be deed of þis ffraternite, [he] shal haue saide for his soule lx. messes, of þe preste þat loges¹ to þe ffraternite, [sone] so he is dede, specialliche, and afterward to bene had in memorie w^t othir þ^t [bene] deed afore. Also ordeinde it is, þat what brothir or sistir so falle in pouerte [þ^t he can] nouȝt helpe hym-selfe to leuen resonably, þan shal eueryche brothir and [sister þat] is of powere, atte euery morunspeche, pay an ob. to helpen hem w^t þ^t is ffallen [so in pouerte]. And also ordeynd it is, þat þis ffraternite shal han iiij. morunspeches by [þ^e zere, in tim]e þat is profitable to þe worship of god and saluacioun of þe ffraternite. [þ^e ferste shal be] þe feste of seint marke next after þe feste of seint George. Þe [secunde shal] bene þe sunday next after þe natiuite of seint Johan Baptiste. Þe [brid shal b]e þe sonday next after þe feste of seint ffathe þe virgine. And [þe fourt shal] be þe Sonday next after þe feste of þe Purificacioun of oure lady marie. [And euerich brot]hyr or sister þat is somonde, and is in toune, and come nouȝt, bot if he haue [resonabel exc]usacioun, he shal pay, to þe amendement of þe lizt, ij.d. And also ordeynd it is, þ^t atte general morunspeche, in þe feste of Seint marke, þe aldirman shal [clepen up] viij. menn, and pay viij. shall chesen an aldirman, skyueyns, clerk, and [dene, þo] þat pay seen ere most profitable for to gouerne þe ffraternite to þe [worsh]ip of god and of seint George. And what man so is chosen in office, and for-sake it, he shal pay to maytenance of þe lizt; þ^t is for to witen, þe Aldirman, ij.lib. wax; euery Skyueyn, j.lib.; þe Clerk, j. lib.; and þe Deen, di. lib. Also ordeynd it is, þat þe Aldirman shal haue, iche nyȝt while þe gener[al] drynkyng lastis, ij. galouns of ale for his fees; every Skyueyne, a galoun; þe

Service shall be held, though the brother or sister have died outside the town.

Masses for souls of the dead.

¹ (sic.)

Help to poor bretheren and sisteren.

Four meetings shall be held every year; to which every brother and sister shall come, under penalty.

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall pay a fine.

Allowances to the officers on feast-days.

The gild shall go to church on the day of their yearly general meeting, and hear mass, and make offerings.

The affairs of the gild shall not be disclosed.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

Every feast shall be begun with a prayer: the gild-light burning the while; and they that are there making no noise nor jangling.

New-comers only admitted at the yearly general meeting, and by assent of all; save good men from the country.

New-comers shall undertake to keep the ordinances, and shall pay the usual house-fees, as well as entrance-money.

If any quarrel arise, it must be told to the Alderman, who shall do his best to settle it.

A livery-hood shall be fetched before the meeting, and shall be paid for; and

Clerke, a galoun; þe Deen, a potelle. Also ordeynd it is, þat eueryche brothir and sistir þt longes to þe ffraternite shal be redy atte þe general day, atte hous þat is assigned for þe ffraternite, for to gone, ij. and ij. to-gedre, worshipfully to þe chirche, w^t þe Aldirman, for to heren messe and euensonge, and atte general messe for to offre in worship of þe holy martir, and atte messe of Requiem ilke for hem þat ben deed, vp þe payne of *di. lib. wax*. Also þat no brother no sister ne shalle discuse þe counseil of þis ffraternite to no straungere, vp þe payne of forfeiture of þe ffraternite for euermore, bot if he haue grace, if it may be prouet resonably be bretheren of [*þis fra*]ternite. Also þe skyueyns þat shal haue þe katelle in hande, shul fynde [*sufficiunt*] borwes to saue þe catelle atte generale morunspeche to þe ffraternite, vp þe [*time of her se*]mblynge. Also, atte general tyme, while þe drinkyng lastes, eueryche nyzt, [*a-fore þe feste*,] þe clerk shal stonden vp and done pees ben in þe house, while þt [*he says*] þe bedes for þe state of holy chirche and þe state of þe londe, w^t þe lizt [*brenninge*] þt longes to þe compaignye. And what maner of man þat make noise or janze-lynge in þe tyme, he shal pay ij.*d.* to þe amendement of þe lizt. Also, þere shal no man no woman entre in to þis ffraternite, bot atte general morunspeche, be þe assent of þe aldirman and alle þe gilde bretheren, bot iff it be ony man of Contre þat is knowen of gode conversacioun. And what man so entre in to þis ffraternite, sone so he is comen in, he shal take his charge of þe aldirman, vp his feythe to kepen þese ordinance a-fore sayde vp his myzt, and paien his fees, þat is for t^o wyten, ij.*d.* to þe aldirman; j.*d.* to þe wax; j.*d.* to þe clerk; and j.*d.* to þe deen. And sethen, for his entrees, xij.*s.* iij.*d.*, or elles fynde borwes to pay it w^t-ynne certeyne dayes. Also ordeynd it is, þat what man so be greued w^t oper, he shal warne þe aldirman þer-of; and he shal done his bisynes to acorden, if he may, w^t his bretheren; and, if he may nouzt, p^rsue þe lawe where hem list. Also ordeynd it is, þat euery brothir þat is of powere shal come, ilke [*a daye*], and fecche his hooode of lyuere of þe gylde, and pay þer-fore, vp þe peyne of of wax to

þe amendement of þe lijte. And euery brothir shal haue on his [hyere hoo]de atte euery morunspeche, and atte biringe of his brothir or sistir, whepir [*it be, up þe*] payne of *di. lib.* wax. Also ordeynde it ys, þat what brothir or sister trespas [*aynes*] yes ordenaunces thries, and þer-of ben amercie by þe bretheren, he shalle lese þe fraternite for euermore, bot if he haue grace. And þe Clerk shal haue for his travaille, by 3ere, *iiij.s. iiij.d.* ; and þe deen, *ij.s.*

shall be worn at every meeting, and at every burial service.

Breakers of the ordinaunces, after three fines, shall be put out of the gild.

Salaries of the Clerk and the Dean.

Johannes Palgraue, Aldirman

Nicholus de Suttoun

Rogerus Pynchebek

Stephanus Stenyor

Johannes Lakynghythe, Cotoller

{ Scabini ; et habent, in manibus eorum, de bonisdictegilde, equis portionibus, *iiij*l*. iiij.s.*

Officers of the gild, and goods of the gild.

XXX.

[GILD OF ST. JOHN BAPTIST,] LENN EPISCOPI.*

The gild was
begun A.D. 1372.

Four meetings
shall be held every
year; to each of
which every
brother and sister
shall come, under
penalty.

The Dean shall be
fined, if he fail to
summon any.

Officers chosen,
and not serving,
shall pay a fine.

New-comers shall
pay the usual
house-fees.

Services for the
dead, and
offerings.

Masses for souls
of the dead.

In ye worschepe of ihesu crist, and his modere seint marie, and of alle halowen, and specialli of seint Johan Baptyst, of qوام yis fraternite is founden and stabeled in ye 3ere of hour lord ihesu M^l.CCC^o.LXXIJ. And yis gilde shal haue foure morwe-speeches be ye 3ere. Ye first shal been on ye self day: ye secunde shal been on Johan Day, in Cristemesse: ye yridde shal be ye sunday after hesteriday: ye feerde shal been ye sunday after missum^rday. And who-so is somound to ani of yeis morunspeeches, and he be in toune and in hele, and he wille nouht come, ne make attourne for hym, he shal pay *di. li.* wax. And if ye deen faile of is somouns, he shal paye, for ilk broyere and sistere yat is nouht somound, *j.d.* And who-so is chosun in offices of alderman, and he for-sake ye office, he shal paye *ij.li.* wax; and eythere sk[eu]eyn, *j.li.* wax; and ye clerke, *di.li.* wax, if he be a broyere; and ye Deen, *di. li.* wax. And who-so entres in to yis fraternite, he shal paye ye rythes of ye hous; yat is to wyten, to ye alderman, *j.d.*; to ye clerk, *j.ob.*; to ye deen, *j.ob.*; to ye wax, *ob.* And if ani broyere or sistere of yis gilde be ded, ye Deen shal do comen ye candelles of ye gylde to ye Dirige, and warn all ye gylde breyeren and sisteres to come and go wyth ye cors, and offyr a ferthyng; and who-so come nouht to ye offrend, he shal paye, at ye next morunspeche, *j.d.* to ye almes for ye sowle. And euerilk broyere and sistere of yis gilde yat ded is, shal haue, of ye propre catelle, x. messis, w^{tin} ye viij. dayes after yei been ded, vp payn of *xl.d.* And

* CCCX. 12. Condition, fair; but a piece destroyed.

also who-so is rebel ageyns ye alderman, or ageynes sistere or bretheren, in tyme of drynk, or of morunspeche holdun, he shal pay *j. li.* wax vp gr̄ce to ye lizt. And who-so discuretȝ ye counseil of ye gilde to ani straunge man or womman, he shal paye *j. li.* wax to ye lizt. And qwo-so jangle in time of drynk, or of morunspeche holdun, and ye Deen comaund hem be stille, and he wilnouht, he shall pay *di. li.* wax. And ye alderman shal have a galoun of ale; eythere skyueyn, a potelle; ye deen, a potelle; ye clerk, a potelle. And ordeynd it is, y^t ye Skyveyns schulloun haue ye katel hon hand. Yei shal fynden sufficiant borwes to brynge ye catelle, w^t ye encresement, at ye general morunspeche, be-forn alderman and ye gylde breyeren, vp payn *ij. li.* wax to ye liztȝ, or her borwes for hem. And ye Deen shal haue *iiij. d.*, be ye ȝere, for is trauaille. And ye clerk, *vj. d.* and her fees. And yat noman sitȝ lengere ȝan alderman, ne dwelle in ye hous but men of office, vp payn *di. li.* wax to ye lytȝ. Also, qwat broyere or sistere yat cometȝ aftere prime be smeten, he shal pay *j. d.* to ye lytȝ; and prime shal be smetȝ *ij.* howres aftere noon. And ilk a broyere and sistre shal pay, ilk a morunspeche day, *ob.*, to meynnten a Candelle brennyng a-forn ye ymage of seint Johan, in ye chirche of seint Jame, on sundayes and oyere holydayis, qwil yat seruice is in doynge. And a odyr *ob.* [to the encrese] of ye catelle and for ye ale. Also ordeynd it is, bi al ye s , yat yis gilde shal be offred in ye chirche of Seint owten heende yeise ordinaunce for to be kep to ye alderman qwan he entretȝ in to breketȝ hem, he grawnt hym self, for but if he haue grace.

John de Essex, taly

Thomas of Cressyngh

Adam of Smitton

Thomas Peddere

There shall be no quarrel during any feast-time or meeting.

The affairs of the gild shall not be disclosed.

No jangling shall go on during feast-time or meeting.

Allowances to the officers on feast-days.

The Stewards shall have the gild goods, and shall find sureties to render an account of these, and of the profits, at the yearly general meeting.

Salaries of the Dean and the Clerk.

No man shall stay in the gild-house after the Alderman has left.

A candle shall be kept burning during service-time.

Moneys shall be paid towards the gild stock, and the ale.

Officers of the gild.

XXXI.

[GILD OF ST. THOMAS OF CANTERBURY,] LENN EPISCOPI.*

Four meetings
shall be held every
year; to which
every brother and
sister shall come,
under penalty.

New-comers must
find sureties for
payment of
entrance-money.
The house-fees
must be paid at
once.

Service for the
dead, and
offerings.

If any one belie
another, he shall
be fined.

In ye wurchepe of ihesu crist of heuene, and of his moder seinte marie, and alle ye companie of heuene, and also specialike of ye translacioun of seint Thomas of Cantewarbiri, for quose wourchipe yis fraternite his bi-gunnen. And yeise ben ye odyunaunse of yis gilde. Yat men scholen holden foure morspeches in ye 3er. Ye friste schal ben on ye general day: ye secunde schal ben sunday next be-for ye feste of seint michel: ye thridde schal ben ye day of seint thomas after cristemesse: ye ferde schal ben ye next sunday be-forn Pentecoste. Also, if any bro3er or sister be in toun, and be warned, and wille nouht comen, ne maken non attourne for him, ne no leue asken of ye alderman, he schal payen *i.d.* to ye lite. And qwo-so entre into yis fraternite of yis gilde, he schal fynden borwes to payen for is entre as he is a-corde with ye companye. And sythen ye rythes of ye hous sone so he comen in; to ye Alderman, *i.d.*; to ye clerk, *ob.*; to ye wax, *ob.*; to ye den, *ob.* And if ani sister or broyer be ded of yis gilde, ye den schal bryngen ye candeles to ye dirige, and warnen his breyern to comen and ofren here *ob.* atte chirche for ye soule; and he y^t comet nouht to ye offrende, schal payen *ob.* atte next morspeche, to ye elmesse. And if any broyer or sistere maliciouseliche, or dispisantliche lie on his broyer or on his sister, in wrecche, in present of ye Alderman and of ye gilde bretheren, schal payen, to amende-ment of ye lyte, alf a pownd waxche. And qwho-so be rebel

* CCCX. 89. Condition, fair; but a large piece destroyed.

of his tounge a-zein ye alderman, or dispise ye alderman ye time yat he holden here mornspeche, schal payen, to amendement of ye lyte, alf a pound of waxse. And if ani broyer or sister bere his breyer or sister falsed on hande, and if it may ben prouid by ye gilde breyeren or sisteres, schal paye, to amendement of ye lite, ij.d. And qwho-so be-wreye ye conseil of yis gilde to ani straunge man or woman, and it may be proued be ye gilde breyeren or sisteres, he schal payen, to ye mendement of ye lite, a pownd of waxse, or lesen ye fraternite for euere-more, but he haue grace. And if ye alderman be chosen, and for-sake ye office, he schal payen, to amendement of ye lite, a pownd waxe: eyzer skyuen, alf a pownd waxse: ye den, a qwatteer. And if any broyer or sister be ded, schal hauen his messes for ye soule, of ye propre cattel of ye gilde, xxiiij. messes. And who-so entre in to ye chambre yer ye ale lithe inne, wiht-uten leue of men of officis, schal paye, to amendement of ye lite, ij.d. Also ye alderman schal hauen, be ye zere, for his officis, to galones of ale; eiyer skyuen, j. galon; ye den, j. potel. Also, ye skyueyns of ye gylde yat hauen ye catel in hande, scholene fynden borwes to ye alderman, for to sauen ye catel, and for to bringe it forht at ye general mornspeche, wyht-uten ani lettyng: and if yei do nouht, yei scholen payen, to amendement of ye lite, ij. li. waxse. Also yt noman come be-forn ye alderman and ye gilde breyeren and sisteren, in time of drynk, in tabard ne in cloke, ne barleges, ne barfote; [and if he] mowe be wyst, schal paye, to amendement of ye lit3, j.d. And [qwho-so] make ani noyse in time of drynk, or in tyme of mornspe[che holden], and wil nouth be stille, ye alderman schal don taken him [ye yerde; and] if he wil nouth reseyuen, he schal payen, to amende[ment of the lit3], iij.d., or lesen his fraternite for euere-more, but he [haue grace. Also yat] noman slepe in tyme of drynke, ne late ye cvp[pe stonde nere him, vp] ye peyne of j.d. Also yt noman duelle in ye hous [after yat ye] alderman rised, but men of office; and if yei don, [yei schul paye, to amendement] of ye gilde, eueri persone j.d. And if ani broyer

If any one is foul-mouthed to the Alderman at any meeting, he shall be fined.

If any one wrong another, he shall be fined.

Penalty for bewraying the affairs of the gild.

Officers chosen, and not serving, shall be fined.

Masses for souls of the dead.

The ale chamber shall not be entered.

Allowances to the officers on feast-days.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

None shall come to the feast in a tabard, nor in a cloak, nor with legs bare, nor barefoot.

If any one make a noise during the feast, he shall do penance by holding the rod, or else pay a fine.

No one shall sleep, nor keep the ale-cup to himself.

No one shall stay in the gild-house after the Alderman has gone.

	schal eueri broyer and sister payne of
	j. feryinge. Also
A candle shall be found and kept burning.	del of waxse b.....
	of seint thomas
	is scheid in
Help to poor bretheren and sisteren.	or sister falle
	wyht his
	hem

[All the rest is destroyed.]

XXXII.

[GILD OF THE HOLY CROSS,] LENNE EPISCOPI.*

In nomine patris, et filii, et spiritus sancti, Amen. In ye honour of ihesu crist, and of his moder seinte marie, and of alle holy halwen, and namelike of ye holy crouche yat seinte Eleyne founde. We schulle holde yis gilde yre mornwespeches bi ye 3er. Ye first schal be ye sonday nixt after ye drynke: ye second, ye sonday byfor seint michel's day: ye yridde, ye sonday nixt after vre lauedyes day in lenten. And, at ye general mornwespeche, ye aldirman schal callen vp foure men, to chese an alderman, skyueyns, and dene. And ye skyueyns schal be deliuered ye catel, wit tayle and boruh; and yat yai schulle bringe ye Catel at ye general mornwespeche, and leyn vpon ye cheker bifor ye aldirman, or here boruwas for hem, vp peyne of ij.s. And ye Den schal do somoun alle ye Gilde breyere, and ye sistres, to ye mornspeche; and he faille of his somouns, he schal ben amercid at ye aldermannis wille. And who-so is somound to ye mornwespeche, and he be in toun, and wil nouth come, he schal paye half a pound of wax, bot he be resonable-lyke escused. And he come after prime be smyten, he schal paye j.d. And if ony brother or sister be ded, ye den schal do bringe ye Candeles to ye dirige, and eueryl broyer and sister schal offre an halpeny at ye chirche; and he yat offres nouht, he schal paye an halpeny to ye almesse at ye nixt mornspeche. And eueryl brother and sister þat ded his, schal haue xxx. messes for his soule, and yat ye messes schal be

Three meetings
shall be held
every year.

Officers shall be
chosen by picked
men.

The goods of the
gild shall be de-
livered to the
Stewards, and a
yearly account
shall be rendered.

The Dean shall
summon all, or
pay a fine.

All summoned and
not coming, or
not coming at the
right time, shall
pay a fine.

Services for the
dead, and
offerings.

Masses for souls of
the dead.

* CCCX. 123. Condition, bad; and two large pieces destroyed. Most of the clauses are marked in rubric; and the first letter of the return is somewhat ambitiously illuminated.

Allowances to the officers on feast-days. Officers chosen, and not serving, shall pay a fine. The Alderman shall be obeyed. No noise nor jangling shall be made; and one striking another shall be heavily fined. The good name of the gild shall be upheld. None shall stay in the gild-house after the Alderman has gone. The ale-chamber shall not be entered. Fees on entry shall be equal to all. A light shall be found and kept burning. Entrance-fees of new-comers. Allowances to those who are sick or in pilgrimage. None shall go to law with another without leave of the Alderman. The Alderman's salary. Burial services and offerings. All shall come to these services.	songen on ye mornwen after ye cors be beryed. Ye Aldirman shal haue, eueril day, a galoun of ale, to ye drynk lastes; eiyer skiueyn a galoun; ye den a potel, and, for his somouns, be 3er, iiij.d. And he yat is chosen aldirman, and he forsake his office, he schal paye xij.d.; eyyer skyueyn, xij.d.; ye den, xij.d. And who-so is rebelle to ye aldirman in ony tyme, he schal paye a pound of wax. And if ony broyer or sister mak ony noyse or jangling befor þe aldirman, at ony mornspeche, he schal paye [a pound of wax]. And if ony brother smyte oyer at ony mornspeche, or [during ye time of drynke], he schal paye ffoure pound of wax. And he Gilde, whar-yourghe deshonor may, he schal paye xij.d., or lese þe fraterni wymman dwelle longere in ye hous yan pound of wax. And he yat entres outen leue of men of office, he scha brother sone or sister schal entre in als an oyor man doth. And also y schal meyntenen and susteynen ye liht yat is holy crouche and of seint Heleyne. And eueril broyer and to ye liht biȝer, til better may be. And yat no man ne womman entre in to yis gilde lesse yan *vj.s. viij.d., and ye fees vj.d.* And if ony brother or sister be seke, he schal haue for his drynke a galoun of ale. And if ony brother or sister be in pelgrimage, he schal haue a galoun of ale to his drinke. And ordened is, yat no brother ne sister of yis gylde ne enplede oyer in no place, for no dette ne trespas, til yat he haue axed leue of ye Alderman and of men of ye do, he shal paie, to amendement of ye Gylde, ij.s. for his traualie bi ȝere, xij.d. And of yis gylde be ded, ye deen shal warnen comen to hous yer ye cors lyhth, and offren an halpeny. And whoso
---	--

* The words and figures between these marks are written over an erasure of half a line.

and in toune, and wyl nouht come, he shal
 and relesen Johan Clerke ;* for he shal
 And ordened is, yat euerilk a brother of yis ffrat
 hod of liuere of yis gylde, at euerilk a
 of yis ffraternite, and qwo-so do nowt
 ordened is, yat ilke a broyer of yis ffra
 gylde in ilke a 3er. And qwho-so

One brother shall
be released from
payments.

A livery-hood
shall be worn at
every meeting.

* All the latter part of this return is in such very bad condition, that it is only by using every device of oblique and reflected and transmitted light that more than a word or two can be made out. By these means only have I deciphered the release of John Clerke ; and I should have hesitated to put down the words thus painfully deciphered, and of which no other example is found in any of these returns in English, but that, in the instance of a very interesting Cambridge gild (see Part II. of this work), I find one John Cornwall released from all payments that others are bound to make, in acknowledgment of the pains he had taken at the foundation of that gild. When I made, some years ago, my MS. Calendar of the whole of these returns, I wrote, opposite to the words releasing John Cornwall from all payments, the word "*unique*." Since I have more carefully deciphered the above return, for the present work, I have no doubt that "John Clerke," of Bishop's Lynn, was thus released for the same reason as was "John Cornwall" of Cambridge.

Many instances are found where the bretheren are acquitted of payments while holding office ; of which the last ordinance of the Tailors' Gild of Norwich may be taken as an example (see before, p. 36). But the two instances named above, give a general acquittance of two bretheren by name, and not only while office-holders.

XXXIII.

[GILD OF THE CONCEPTION,] LENNE EPISCOPI.*

In ye wrchepe of Jhesu Criste of heuene, and of his moder Seynte marye, and of alle halwen, and speciali of ye concepcioun of oure leuedy seynte marye, in qwhose wurchepe yis fraternite is be-gunnyn, 3eyse ben ye statutes. Y^t men schullyn heldyn foure mornspeches in ye 3ere. 3e fryste mornspeche schal bene nexte ye drynking ; 3e secunde schal bene on ye sonday nexte sente Mathi ye apostyl : 3e thyrde schal bene on ye sonday nexte sente bernabe day ye apostyl : 3e ferd schal bene on ye sonday nexte sente Matheus day ye apostyl. Ordeynyd it is, y^t eueriche broyer and syster schal payen j.d. at eueri mornspeche, to fyndyn w^t lythe in ye chyrche of sent margarete, a forne ye auter of oure lady, ye qwilę deuine seruise is seyde in festiuale dayes. And if any broyer or syster be somonde to ye morne-speche, and yei bene in toune, and wil not come, ne make none aturne for him, nyn no leue aske of ye alderman, schalle payen *di. li.* of wax to amendmente of ye lythe, or lose ye fraternite of ye gyld for euermore, but he haue grace. And ye dene schal payen, for ouerliche broyer and syster y^t is not somond, and he be in toune, j.d. And qwo-so entyrit into yis fraternite of yis gyld, he schale fynd boruis, and pay ye rythis of ye huse, sone so he comythe in : ye alderman, ij.d. ; ye clerk, j.d. ; ye dene, j.d. ; ye wax, j. peny. And if ani broyer or syster be ded of yis gylde, ye dene schal brynge ye candelis to ye dirige, and warnyn his breyeryn and systeryn to comen and

Four meetings shall be held every year.

Every brother and sister shall pay 1d. at every meeting, towards finding a light for festival-days

Any one summoned to any meeting, and not coming, shall pay a fine.

The Dean shall be fined, if he fail to summon any.

New-comers shall find sureties, and pay the usual house-fees.

Service for the dead, and offerings.

* CCX. 125. Condition, very bad ; a large piece destroyed.

offeryn here ob. at y^e kyrk for y^e dede. And he y^t comythe
 nouthe to y^e offerynge, schal pay *di. li. wax*, and he be warnyd
 and heyle, and be in toune ; and if he be oute of toune, he schal
 pay ob. for his offerynge. And if any broyer or syster dispysse or
 mysaconsel or lye his broyer, in pres[ence] of y^e alderman and of
 his breyeryn, schal pay *di. li. [wax to] y^e amendement of y^e*
lythe, or lese y^e fraternite [of y^e gylde], but he houe grace.
 And qwho-so be rebel of his [*tongue azeynes*] y^e alderman, or
 dispise y^e alderman, in [*y^e time of drin*]kyn or heldyn any
 mornspeche, sch[al pay, to y^e amendement] of y^e lythe, *di. li.*
wax, or l[ese y^e fraternite of y^e gylde]. And if ani broyer
 or sis
 and it may be prouid
 amendement of y^e
 And qwo-so w
 man or woman
 pay to am
 he haue
 fise he s
 den iij.d.
 soule y.
 so enteryn
 leue of
 den schal h
 nys y^t haue y^e
 for ye catel, to brynge it forthe aforne ye [*alderman and*] gylde
 breyeryn at y^e general mornspeche ; and if 3ey will do it nouht,
 ye schal pay to ye gylde xl.d. . . . eyer, xl.d. Also, y^t no man ne
 come, in time of drink, before y^e alderman and ye gylde breyer
 and syster, in tabard ne in cloke, ne bareleg, ne barefote ; and
 it may be seyne, schal pay to y^e lythe j.d. And qwo-so make
 noyse in tyme of drycke¹, or in tyme of mornspeche, and ye dene
 comande hym to ben styl, and he ne wyl nouthe, yane schal ye
 dene takon hym ye yerd ; and, if he wille nouthe reseyu yt, he
 schal pay to y^e lythe iij.d., or lose ye fraternite. Also y^t no bro-
 yer ne no syster be so hardy, in tyme of drynck, to slepe, ne lete

Any one not
 coming shall be
 fined, and shall
 pay his offering.

For foul words
 among one an-
 other, a fine shall
 be paid, or the
 gild-ship be lost.

If any one be foul-
 mouthed to the
 Alderman at any
 meeting, he shall
 be fined, or put
 out of the gild.

The Stewards shall
 find sureties for
 the goods of the
 gild, and render
 an account at the
 yearly general
 meeting.

None shall come
 to the feast in
 tabard, nor in
 cloak, nor with
 legs bare, nor
 barefoot.

¹ (*sic.*)

If any one make a
 noise during the
 feast, he shall do
 penance by hold-
 ing the rod, or
 else pay a fine.

None shall sleep,

nor keep the ale-
cup standing.
None shall stay in
the gild-house
after the Alderman
has gone.
All shall come to
services on the
burial of the dead,
and shall stay till
they be ended.

Allowances to the
officers on feast-
days.

New comers shall
undertake to keep
these statutes, and
shall pay the
house-fees and
entrance-money,
or find sureties.

ye cuppe stonde be hym, up peyne of j.d. to ye lythe. And also,
y^t no man dwelle in ye huse aftyr tyme y^t ye aldyrman rysythe,
but men of offyse : if he do, he schal paye j.d. to ye lythe. And
also ordeynyd it ys, y^t qwat broyer or syster be ded of yis gylde,
ye aldyrman and alle ye gylde breyeryn and systers schullyn
be redi to bere hym to ye chyrche, and offyrryn as it aforne
seyde, and dwelle yer tyll ye messe be don, and be beryid, upp
ye peyne of And ordeynyd it is, y^t ye aldyrman schal
haue ij. galounes of ale ; euery skeueyn, j. galoun ; ye clerk,
j. galon ; ye dene, j. potell ; be ye zere, for here feys. Also,
qwat broyer or syster entryt in-to yis gylde, sone so he is
reseuyd, he schal takyn his charge of ye alderman, on his feyth
to meynteyn yis gyld uppyn his power, and payen his fees, and
sythyn for hys entres, as he is acorded w^t ye cumpanye, or ellys
fyndyn borwes to pay w^tinne syrteyne tymes.

[Four or five lines more are so bad that nothing can be made
of them:]

XXXIV.

[GILD OF THE PURIFICATION,] LENNE EPISCOPI.*

In ye honuraunce of ihesu crist of heuene, And of his moder seinte marie, and of alle halowene, and speciallike of ye Purificacioun of oure lady seint marie, yis fraternite is founden and stabled, in ye 3ere of houre louverde a Thousande yre hundred sixti and seuene, and bi ye grace of god euere more to lasten, and shal be helden on ye sunday next after Candelmesse day. And yis gylde shal haue foure morwespeches bi 3ere. Ye firste shal be vp-on ye general day: ye secunde shal be ye sunday next bi-forn ye Assencion: ye yridde shal be ye sunday after seint Dionise: ye fourte shal be ye sunday next after ye Epiphanie. And who-so be somoned to any morwespeche, and wil nout come, ne make attorne for him, he shal pay *di. li.* wax. And if ye Deen falie of his somounes, he shal paye, for euerilke a brothere and sistere yat is nouht somoned, *j.d.* And euerilke 3ere shal ye Alderman callen vp foure men of Gylde bretheren, for to chesen an Alderman and offyceeres and a Deen yt been profitable for ye gylde. And if any of hem yat arn chosen for-sake here office, he shal paye to amendement of ye list; yat is to witen, ye Alderman, *j. li.* wax; eythere officer, *di. li.* wax; and ye Deen, quarter *li.* wax; wyht-outen any oyere grace. And who-so is rebel ageynes ye alderman in tyme of drynke, or of morwespeche holden, he schal paye to ye litz *j. li.* wax. And if ani broyere or sistere of yis fraternite bere oyer any falsed or wronge on hande, or him lie or mysseie, he shal paye to ye litz *di. li.* wax, and make pes to hym þat he has trespassed a-geyn, by ye ordenaunce of ye Alderman and of ye gylde breyeren, or lese ye fraternite. And if any broyere or sistere of yis fraternite be deed, ye Deen shal do come ye Candeles of ye Gylde to ye

The gild was begun A.D. 1367.

Four meetings shall be held every year, to which every one shall come, under penalty.

The Dean shall be fined, if he fail to summon any.

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall pay a fine.

The Alderman shall be obeyed.

If any one wrong another, he shall pay a fine, and make amends, as the Alderman and gild shall adjudge.

Services for the dead, and offerings.

* CCCX. 142. Condition, bad; and a large part destroyed.

Allowances to the officers on feast-days.	Dirige, and warne alle ye Gilde brejeren and sistres to comen and go wyht ye cors to kyrke, and offre j. ferdynd; and he yat comejt nouht to ye offrend, he shal paie, at ye next morwe-speche, an ob. to ye al[messe]. And ye alderman shal haue, eueriche day whiles ye dry[nk lasteth], a galoun of ale; and eytheere skyueyn, a galoun; ye [deen, a potelle; and] ye Clerk, a potelle of ale. And who-so entret [into the chambre] yere ye ale lit3, with-uten leue of [men of office, he shal paie to ye] lit3, ij.d. And who-so entre in[to yis fraternite, he shal paie ye] fees of yis hous; to ye Ald ob.; to ye wax, ob.; and for his entre. And orde ueyns shullen haue ficiaunt borwes forn ye alderma speche vp ye pey of yis gylde to a to ye list iij.d.
The ale-chamber shall not be entered.	
New-comers shall pay the usual house-fees.	
The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.	
No jangling during feast-time.	gle in tyme of dr comaunde him for to ye list, di.li. wax hous þan ye Alderman rise he schal paye, to ye lit3, ij.d. Also ye Alderman shal haue, for
None shall stay in the gild-house after the Alderman has gone.	his trauaille be 3ere, iij.d. and ij. galouns of ale; eythere Skyueyn, iij.d. and j. galoun of ale; ye Clerk, vj.d. and j. potelle ale; and ye Deen, vj.d. and a potelle ale. Also, qwo-so entre
Salaries of officers.	in-to yis gylde, shal payen for his entrees ij.s. and is fees. Also ordeynd it is, yat euerylk brothere and sistere shal paye iij.d. in ye 3ere, for to fynde a Candelie brennend in ye chirche of seint Jame, a-forn ye Autere of owr lady, qwyl seruice is seyð in holydayis. Also ordeynd it is, yat euerilk brothere and sistere yat deyeth of this gylde shal haue xij. messes seyð for is sowle.
Entrance-money.	
Yearly payments towards a light.	
Messes for souls of the dead.	
The officers, and goods of the gild.	Johannes de Bysted, talyor, Alderman. Johannes Austyn, Baxter, ix.s. viijd. Gilbert Pleasant, ix.s. viijd.*

* These names are written in a different hand and ink from the rest of the return, and are so faint as to be hardly legible.

XXXV.

[GILD OF ST. LAWRENCE,] LENNE EPISCOPI.*

In ye hon^r of ihesu crist of heuene, and of his modir *seynte* marie, and of alle halwyn, and speciallich of ye holi martir seint laurence, in ye feste of ye selue day, i yis ffraternite is founden and stabled, and bi ye grace of god euere-more for to lasten.

Yise ben ye ordenance of yis ffraternite. Yat ye breyeren and ye sisteres sholen holden iiij. morunspeches in ye zere. Ye first morwespeche shal ben after ye drynke : ye secunde shal ben ye sunday next after mihelmesseday : ye yridde shal ben ye sunday in mydlentoun : ye feerde shal ben ye sunday bi-forn ye fest of seint margarete. And if any of yise morwespeches bi-forn j-nemed be nouzt holden at ye certeyn day assigned, ye Alderman shal don hem helden at qwat tyme y^t it be most profitable and worsipe to ye ffraternite. And if any brothir or sister be somoned to ani morwespech, and wil nouht comen, ne make attorne for him, ne no leue axen of ye Alderman, he shal paye, to amendement of ye lizt, ij.d. And qwo-so come after prime be smeten, he shal pay j.d., or leye a wed ; and if he grucche, he shal paye ij.d. ; and if he wil nouth payen it, he shal lesen ye ffraternite. And if ye deen fayle of hiis somouns, he shal paye, for ilke a brother and sister yat is nouth somouned, j.d. And euerilk zere shal ye alderman callen vp ffoure men of ye gilde breyerene, for to chesen Alderman, Skeueyns, and deen, yat ben profitable for ye gilde. And if any of hem yat haren chosen for-

Four meetings shall be held every year, on days here named, or as shall be named by the Alderman.

All must come to the meetings, or pay a fine.

If any be after time, or grumble, he shall pay a fine, or be put out of the gild.

The Dean shall pay a fine for any not summoned.

Officers shall be chosen by picked men.

* CCCX. 222. Condition, bad ; and two large pieces destroyed.

Officers chosen,
and not serving,
shall be fined.

The old Alderman
shall charge the
new Alderman
and others.

New-comers shall
pay the usual
house-fees, and
find sureties for
entrance-money.

Services for the
dead, and offerings.

Messes for souls of
the dead.

The Stewards shall
pay a fine if they
make default.

The Alderman
shall be obeyed.

If one wrong
another, he shall
pay a fine, and
make amends.

The affairs of the
gild shall not be
disclosed.

Written accounts
of the goods of
the gild shall be
rendered by the
Stewards.

Allowances to the
officers on feast-
days.

sake here office, he shal paye to amendement of ye liȝt: yat is for to qwyten, ye Alderman, vj.d.; eyther skeueyn, iiij.d.; and ye deen, ij.d. And euerilke a ȝer shal ye holde Alderman chargen ye newe Alderman, whan he is chosen, and alle hise felawes wyhtȝ hym, for to don hos it is a-forn i-seyd. And qwo-so entretȝ in to yis fraternite, he shal paye ye rigthes of yis hous, v.d.; yat is for to wyten, to ye Alderman, ij.d.; to ye Clerk, j.d.; and to ye Deen, j.d.; and to ye wax, j.d.; and fynde sufficiantȝ borwes for his entre. vj.s. And if ani brothere or sistere of yis fraternite be deed, ye deen shal do comen ye Candeles of ye gilde to ye Dirige, and warne alle ye gilde bretheren and sisteres yat ben in toun, to comen and offren *ob.* at ye kyrke for ye dede; and he yat cometȝ nouht to ye offrende, he shal paye, at ye next morwe-spech, j.d. to ye almes. And if ye deen faile of his somouns, he shal paye, for ilke a brothir and sister yat is nouȝt somound, j.d. And if ani brother or sister of yis gild be ded, he shal haue, of ye propre catel of ye gyld, for his soule, xl. messis. And ye Alderman and ye skeu[eyns shullen] don seyn yo messes wyht-inne vj. day after ye terement, if it be he be dede. And if ani of ye Skeueyns make defaute, and wil n a-forn i-seyd, he shal paye, to amendement of yis frater or vn-buxum a-geynes ye Alderman, vnskilfullike, shal paye, to amendement of yis ffraternite, bere oyer any, falsed or wronge on hande, to amendement of yis gilde, ij.d., and make pes to hym yat he ye gilde bretherene and to ani straunge man of yis gylde iiij.d. of yis gylde on bi scryt a-count speche a-forn so make defau of yis gilde, xl.d. qwiles ye drynk las a galoun; ye Clerk a g

ueyns hauande ye Catel of yis Gild,
 and counseil wyth hym bi-form ye general day,
 in ye 3ere, for to make ordenaunce and purueaunce yat be
 for yis fraternite. And if ani of ye skeueyns bi-form i-nemed
 be founden atte defaute in ani poyntes yat longet3 or fallet3
 to his office, he shal paye, to amendement of yis gilde, vj.d., or
 lese ye fraternite. And if ye deen be comaunded for to be
 entendaunt hem for to helpen, and he make defaute, and whil
 nouth, he shal paye iij.d., or lese ye fraternite. Al-so ordeynd
 is, yat no brothere ne sistere of yis gild shal make hym-self ser-
 uaunt, for to seruen in non office, but if he be comaunded bi ye
 alderman. And qwo-so do, he shal paien ij.d., or ley a wed of
 ye valuwe. And qwo-so make noyse or jangele in tyme of
 drynk or of morwespeche, and ye alderman or ye deen comaunde
 hem for to be stille, and he wil nouth, he shal paye to ye li3t
 ij.d. And ye deen shal haue for his travaille, be 3ere, ij.s. And
 ye clerk, ij.s. And also yat no man dwelle in ye hous lengere
 yan ye Alderman ryset3, but men of office, vp ye payne of ij.d.
 to ye lit3. Also ordeynd it is, yat eueriche brothere and sistere
 schal payen iij.d. in ye 3ere to fynden w^t a lit3 of v. Candeles,
 brennend in ye Crykche of seint margrete qwyl yat diu[*ine*
seruise is perfourmed] in festiualle dayes, and for to payen to
 messis. Qwat brother
 of ye ordinaunce of ye gylde of sente
 qwreten in ye boke

The Stewards shall
 give an account of
 the goods of the
 gild at the yearly
 general meeting.

If in default, they
 shall pay a fine,
 or be put out of
 the gild.

And the Dean
 if he do not help,
 shall be treated
 likewise.

No brother nor
 sister shall meddle
 unless told by the
 Alderman.

There must be no
 noise or jangling
 at feast-time or
 meeting.

Salaries of the
 Dean and Clerk.
 None shall stay in
 the gild-house
 after the Alder-
 man has gone.
 Yearly payments
 towards finding a
 light.

M^dum quod

Johannes Smy

Johannes Glar

XXXVI.

[GILD OF ST. EDMUND,] LENNE EPISCOPI.*

Four meetings shall be held every year, to which every brother and sister shall come, under penalty.

If any be after time, or grumble, he shall pay a fine.

New-comers shall find sureties, and pay the usual house-fees.

Services for the dead, and offerings.

The Dean shall be fined if he fail to summon any.

Salaries of the Dean and Clerk.

In þe wurchepe of jhesu crist of heuene, and of his der wurthi moder seynt marie, and of seynt Edmund, þ^t holi martir, in qwose wurchepe þis fraternete is bi-gunnen. Þese ben þe statuz of þis gilde. Þat men scholen holden foure mornspechis in þe 3er. Þe first mornspeche schal ben on þe general day: þe secunde schal ben on þe sunday after seynt Petir: þe thridde schal ben on þe sunday after seynt barnabe apostele: þe ferde schal ben on þe sunday after seynt lukes day. Also, 3if any broþer or sister be somund to here mornspeche, and yei ben in towne, and wil not come, ne make non att^{ne} for him, ne no leue axen of þe aldirman, scal payen j.d. And if he come after prime be thriis smeten, he schal paie j.d.; and 3if he sette him doun and grucche, he scal payen j.d. And qwo-so entre in-to þe fraternete of þis gilde, he scal finde borwes, and paie þe rithes of þe hous, sone so he comyt in: þe alderman, j.d.; þe den, ob.; þe clerk, ob.; þe wax, ob. And if ani broþer or sister be ded of þis gilde, þe den scal bringen þe candeles to þe dirige, and warnen hise breþeren and hise sisteres to comen, and offren here ferþinge atte kirke for þe soule, and lepen a ferþinge to þe elmesse; and he þ^t comyt not to þe offrend, scal paien ob. atte nest mornspeche to þe elmesse. And if þe den faille of hise somounis, for eueri broþer and sister þat is not somound, he scal paien j.d. Also, þe den schal han, for his traunyle, be 3ere, vj.d.; de cklerke, viij.d.* And if any broþer or sister maliciouslike or

* CCCX. 229. Condition, very bad; and two pieces destroyed.

† "de cklerke, viij.d." is added in the margin, in a very different hand and ink. But the "vj." in the line before, is written in the same hand and ink as this marginal addition.

dispisauntlike lye his broþer or his syster, in wrecche, in present of þe aldirman and of here gilde breþeren, scal paie, to amendement of þe gilde, vj.d. And qwo-so be rebele of his tonge aþein þe aldirman, or dispise þe aldirman in time þt he holden here mornspeche, scal paien, to amendement of þe gilde, vj.d. And if any broþer or sister bere his broþer or his sister any falsed or wronge on hande, and it may be prouid be þe gilde breþeren, scal paien vj.d. to amendement of þe gilde. And qwo-so be wreie þe conseil of þis gilde to any straunge man or woman, and it may [be] prouid be 3e gilde breþeren or sisteres, scal [paien, to amende]ment of þe gilde, xij.d., but if he [haue grace. And if an] aldirman be chosen, and he forsake his off[ice, he scal paien, to a]mendement of þe gilde, xij.d.; eiper skeue[yn. . . d.; and þe] den, iij.d. And if any broþer or sister be de[de of þis gilde, he] schal han hise messes for his soule, of þe [propre catel of] þe gilde, xv. messes. And qwo-so entre [into þe cham]bre þere þe ale lyth inne, with-uten leue [of men of] office, scal paie, to amendement of þe gilde, iij.d. [Also], þe aldirman scal han, eueri nith wilis þe drinken, ij. galoun ale; .eiper skeueyn, a galoun ale; þe den, a potel ale; þe clerce, a potel ale. Also, þe skeueyns þat han þe catel of þe gilde, sullen finden borwes for þe catel, to bringen it forth aforþ þe aldirman and þe gilde breþeren at general mornspeche, with-uten any lettinge: and if þei ne do not, þei sulle paie, to amendement of þe gilde, xl.d. Also, þat noman ne come, in time of drinke, beforþ þe aldirman and þe gilde breþeren and þe gilde sisteres, in tabbard ne in cloke, ne bar-lege, ne barfoote; and it mowe be wist, he scal paie, to amendement of þe gilde, j.d. And qwo-so make any noyse in time of drinke, or in time of mornspeche holden, and þe den comaunde him to ben stille, and he ne wil nouth, scal taken him þe 3erde, and if he ne will not reseiuē it, schal paie, to amendement of þe gilde, iij.d., or lese þe fraternete of þe gilde for euere more, but if he haue grace. Also, þat noman be so hardi, in time of drinke, to slepe, ne to late þe cuppe stondin be him, vp þe peyne of vi.d. Also, þat noman duelle in þe hous no lengere

Any using angry words to a brother or sister shall be fined.

Penalty for foul-mouthed words spoken to the Alderman.

Penalty for wrongdoing of one to another.

Penalty for bewraying the affairs of the gild.

Officers chosen, and not serving, shall be fined.

Masses for souls of the dead.

The ale-chamber not to be entered.

Allowances to the officers at feast-times.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

None shall come to the feast in tabard, nor in cloak, nor with legs bare, nor barefoot.

If any one make noise during the feast, he shall do penance by holding the rod, or pay a fine.

No one shall sleep, nor keep the ale-cup standing.

No one shall stay in the gild-house after the Alderman has gone.

No one shall go to law with another until after the Alderman and gild have tried to settle the quarrel.

þan þe aldirman rised, but men of office; and if he don, scal paye, to amendement of þe gilde, ij.d. Also, þt noman ne no woman of þis gilde enplede oþer for no trespas, tyl qwan þe aldirman and þe gilde breþere han assayed for to bringen hem at one; and if he ne moun nout, þan scholen he pleden quer-so þei wolen; and if þei doun, þei scholen paien, to amendement of þe gilde, xij.d., or lese þe fraternete of ye gilde for euermore, but if he haue grace.

Entrance-money.

*Also if oni broþer or sister ent[re into þis gilde], yo shalle payin iiij.s.

Names of gild-bretheren and sistren.

~~†Stefanus Wafin, et Claricia vxor ejus.
Johannes Mashemaker, ob.
Radulfus de Hecham, et Margerie vxor ejus.
Alicia de Hole, ob.
Willelmus de Blokene.
Ricard de Litul, et Cecilia vxor ejus.
Henri Gylbert, Henri Holf.
Henre We.....
Gylbertus Kont, et Matil....
Robertus de Thornege, et Catarina vxor ejus.
Johannes de Brestun, et Johanna vxor ejus.
Alicia de Brecham.
Roger de Geywode.
Willelmus de Hogo.
Johanna Spyrkyng.
Angnes de Derham.~~

* This paragraph is added in another hand and ink, and is hardly legible. The hand seems the same as has inserted the words "de cklerke viij.d." in the margin. See p. 94.

† The names here following are also in another hand and ink, and afterwards a pen has been drawn several times across them. The last two names are written in yet another hand and ink, and afterwards separately erased. All the names are very indistinct.

The foregoing return from the Gild of St. Edmund, is written on a long narrow roll, in a remarkable hand, and with an ink that has much faded. It has been afterwards corrected, in several places, by another hand, and with an ink which is still black. No part of the list of names is in the same hand or ink as either the first writing of the original return or the corrections.

XXXVII.

[GILD OF ST. NICHOLAS,] LENNE PETRI.*

In ye honuraunce of ihesu crist of heuene, and of his der worryi moder seynt marie, and of ale halowene, and speciallike of y^t blisful corsant seynt Nicholaus, yis fraternite is by-gunnen and stabled, in ye fest of ye selue day, in ye 3ere of houre louerd a thousande ccc^{mo} fyfty and Nyne. And yis gilde schal haue, by 3ere, foure mornspeches. Ye fyrst schal be after ye drynkyng: ye secunde schal be on blake monunday: ye yride schal be on mesomur day: ye ferthe schal be on mykames day. And who-so is somound to any of yis mornspeches, and he be in toune and in hele, and ne wyle noughte come, ne make attorne for him, he schal pay to ye lyht half a pounce of wax. And if he grucche, he schal pay a pounce of wax, or lese ye fraternite for euere more. And if ye Deen faylie of is somones, he schal pay, for ilk a man and woman yat is noght somond, a peny. And eueri 3ere schal ye Alderman callen up foure men of ye gilde breyeren, for to chesen Alderman, and Skeueyns, and Deen, yat bene profitable for ye gylde. And if any of hem y^t aren chosen, for-sake ye office, he schal pay to amendement of ye gilde; y^t is to wyten, ye Alderman, xvj.d.; eyther skyueyn, xij.d.; and ye deen, vj.d.; wyth-outen any grace. And who-so trespase a-geynes ye Alderman, or a-geyn any of ye gilde breyeren, in tyme of drynkyng or of mornspeche holdyng, he schal pay, to amendement of ye gilde, viij.d., and make pes to him y^t he has trespas a-geyn, by ye ordinaunce of ye gilde breyeren. And if any

The gild was begun A.D. 1359.

Four meetings shall be held every year; to each of which every one shall come, under penalty.

Whoever grumbles shall be fined.

The Dean shall be fined, if he fail to summon any.

Officers shall be chosen by picked men.

Officers chosen and not serving, shall pay a fine.

Any one ill-behaving during any feast or meeting, shall pay a fine and make amends.

* CCCX. 218. Condition, bad; and a large piece destroyed.

Services for the dead, and offerings.

Masses for souls of the dead.

Allowances to officers at feast-times.

No one shall enter the buttry where the ale lies.

New-comers shall pay the usual house-fee, and find sureties for payment of the entrance-money.

The Stewards shall find sureties for giving an account of the goods of the gild, with the profits, at the yearly general meeting.

The affairs of the gild shall not be disclosed.

No one shall bring a suit at law, until the matter has been laid before the Alderman and gild, and leave been given.

No one shall come to the feast in tabard, nor in cloak, nor with legs bare, nor bare-foot.

No one shall stay in the gild-house after the Alderman has gone.

broyer or syster of yis gilde be dede, ye deen schal do come ye candeles of ye gilde to dirige, and warne alle gilde breyeren and sisteres to come and go wyht ye cors to chirche, and offre an halpeny. And who-so come noght to ye offerand, and he be in toune and in hele, ne make non attorne for him, he schal pay, at ye next mornapeche, a peny to ye almus. And euerlike broyer and sister of yis gilde y^t dede is, schal haue for his soule, of yc propre catel of ye gilde, xxx. messes. And ye Alderman schal haue, euere-iche day whyles ye drynk lastes, out-taken ye first nyht and ye last, a galoun of ale; eythere skyuen, a galon; ye deen, a galoun; and ye clerke, a golon. And who-so entre in-to ye boteri yer ye ale lyt3, wyht-ouen leue of officere, he schal pay, to amendement of ye gilde, ij.d. And who-so entre in to yis fraternite, he schal pay ye ryghtes of yis gilde; y^t is to weten, to ye Alderman, ij.d.; ye clerke, a peny; ye deen, a alpeny; and to ye wax, a alpeny; and fynde suffisaunt borwes of payment of ye catel for his entre, yat is to seyne, iiij.s. And ordeyned hit is, y^t y^e catel of yis gilde yat ye skyueyns schullen haue on hande, schal be deliuered to hem, by suffisaunt borwes to bryng ye catel, wyth ye encresem[ent], by-forn ye Alderman and ye gilde breyeren at ye general m[ornapeche: and] if day don [noght] hos hit is be-forn sayde, ye skeuey[ns schal pay, to a]mendement of ye gilde, xl.d. or here borwe[s for hem. And who]-so discuret3 ye counseyl of yis gilde to ani [straunger, and he be] ouertaken, he schal pay, to amendement [of ye gilde, .. d., or less ye] fraternite. And ordeyned hit is y^t no. plete oyer in no place for dette ne leue of ye Alderman and of den be-forn ye Alderman Also yat non gilde bro forn ye Alderman and leg, ne barfote, and peny. And who-so a peny. And yat no man Alderman riset, but men of office; to ye lyght a peny. And ye Deen schal haue, for

WEST LYNN.

by 3ere, vj.d. And ye Clerke shal haue, for his trauayle be ye
3ere, xij.d.

Salaries of the
Dean and the
Clerk.

Robertus Palmere	{	Sunt custodes dicte Gilde : tamen,	Stewards of the gild : but there is no stock in hand.
Johannes Harte		de bonis dicte Gilde, nichil habent,	
Johannes Dykessone		quia bona seu catalla dicte Gilde non pertinent.	

NOTE.—The second line of the ordinances next following, shows
that *Lynn Petri* is but another name for *West Lynn*. *West Lynn* has
also been named before, p. 57.



XXXVIII.

[GILD OF ST. JOHN BAPTIST,] LENNE PETRI.*

The gild was
begun A.D. 1374.

Four meetings
shall be held every
year, to each of
which every one
shall come, under
penalty.

The Dean shall be
fined if he fail to
summon any.

Officers chosen,
and not serving,
shall pay a fine.

Any one misbe-
having during any
feast or meeting
shall pay a fine.

Any one wronging
another shall pay
a fine, and make
such amends as
the Alderman and
others approve.

Services for the
dead, and offerings.

Thise been ye statutz of ye gylde of ye holy prophete Seynt Jon baptist, be-gunnen in West Lenne in ye 3ere of houre louerd a thousand ccc^{mo} seuenti and foure. And yis gilde schal haue foure mornspeches be ye 3eere. Þe first schal ben after ye drynkynge : þe secunde schal ben vp-on ye seynt Jhon day in heruyst : þe thryde schal ben vp-on seynt Jon day in Criste-messe : þe fourte schal ben vp-on seynt Jhon day in May. And whoso be somonde to anny mornspeche, and wil nought come, ne make a-tourne for hyme, he schal pay half a pound of wax. And if ye Dene faile of his somounes, he schal pay, for ilk a broyer and systere yat is nought somonde, a peny. And who-so is chosen in office of Alderman, and he for-sake is office, he schal pay, to amendement of ye gylde, ij.s. ; eythere Skeueyn, xvij.d. ; and ye Den, xij.d. And who-so be rebel a-geyn ye Alderman in tyme of drynkynge, or of mornspeche holden, or in any oyere tyme, vnskilfullik, he schal pay, to amendement of ye gilde, ij. pounce of waxe. And if any broyer or sistere be rebel a-geynes oyere, or bere him any falsede or wrong on hande, and hit may be proued, he schal [pay], to amendement of ye gylde, ij. pounce of waxe, and sythen make pees to hym yat he has trespassed a-geyn, by a-sent of ye Alderman and ye gilde breyeren. And if any broyer or sistere of yis gylde be deed, ye Den schal do come ye candeles of ye gilde to ye Dirige, and warne al ye gylde breyeren and systers yat ben in hele and in toune, to come, and go wyth ye cors to kyrke, and offere a halpeny ; and euerilk

* CCCX. 257. Condition, bad ; and a large piece destroyed.

a broyer and sister schal gyuen an oyere halpeny to ye almys.
 And ye Den schal gedren ye forseide halpenys, and by wyht-al
 breed, and gyue hit for ye soule. And if he do nought os hit is
 be-forn seyde, he schal pay, to amendement of ye gilde, ij.s. And
 euerilk broyer and sister yt deede is, schal haue, of ye propre
 catel of ye gylde, xxx. messes for ye soule. And who-so entres
 in to yis ffraternite, he schal pay ye fees of yis hous : yat is to
 weten, to ye Alderman, ij.d.; ye clerk, a peny; ye dene, a peny;
 and ye wax, a peny; and ffynde suffisa[unt] borwes of ye paie-
 ment for his entre. And ye Alderm[an schal haue], eueriche
 day whiles ye drynke lastet, two galouns [of ale; eueriche]
 skeneyn, a galoun; ye clerke, a
 And who-so entres in to ye
 leue of men of office, he
 wax. And also ordey
 skeueynes scholen
 by suffisaunt bo
 be-forn ye Ald.
 vp ye peyne.
 yis gilde
 he schal
 make noyse.
 style, and he wil.
 [of] waxe. And so yat no man dwelle.
 [ye] Alderman riset, but men of office : and who-so
 schal pay to ye lyght half a pounce of waxe. And al-so ordeynd
 hit is, yat no broyere of yis ffraternite ne schal gyuen wed and
 borow vp-on oyere, ne him somoune, ne do somoune, for dett
 ne for trespase, til swiche tyme as he has shewed his agreuance
 til ye Alderman and ye gilde breyeren yat ben chef of ye coun-
 seil. And ye Alderman and ye gylde breyeren shullen prouen,
 vp-on here myght, for to a-corden hem. And if yei mown noght
 acorden, let hem make pleynte in what plase so yat yei wyle.
 And who-so do nought als it is by-forn hy-seyde, he schal pay,
 to amendement of ye gilde, xl.d. And who-so make any dis-
 turbaunce for any poynt yat is ordered be ye first foundurs of

The Dean shall
buy wastel-bread
with these offer-
ings, and give it
[to the poor].

Masses for souls of
the dead.

New-comers shall
pay the usual
house-fees, and
find sureties for
payment of the
entrance-money.

Allowances to
officers at feast-
times.

The ale-chamber
shall not be
entered.

The Stewards shall
find sureties for
giving an account
of the goods at the
yearly general
meeting.

No one shall make
noise in time of
feasting.

No one shall stay
in the gild-house
after the Alder-
man has gone.

No gild-brother
shall give pledge
or become surety
for another, or
begin any suit at
law, without leave
of the Alderman
and others, who
shall do their best
to settle the
quarrel.

Penalty on any
one disputing any
of these ordi-
nances.

Salary of the
Dean.

yis gilde, he schal pay, to amendement of yis gilde, ij.s. And
ye Deen schal haue for his trauayle, be ye zere, vj.d.

Goods of the gild.

Adam Outelawe habet in custodia, de bonis dicte
Gilde, vj.s. viij.d.
Henricus Boston habet vj.s. viij.d.

NOTE.—Two points in this return call for remark here. *First*, the letter ‘p’ is used four times in one sentence, each time at the beginning of one of the four clauses that make up the sentence. In every other place throughout the return, ‘y’ is used for the *one-letter* sound of ‘th.’ In other returns, sometimes ‘b’ is used, sometimes ‘y;’ but whichever is used, it is constant throughout the same return. *Second*, in this return alone is it stated, though the *fact* was probably the same in every gild, that the offerings at the dirge were to be spent in buying bread to be given to the poor. (Compare the return No. XLVI.) And the bread so bought is to be ‘wyht-al’ or ‘wastel’ bread, that is, bread ‘white and well baked.’ In other words, the dole to the poor shall be of eatable bread of the best quality, and not ‘cocket’ (seconds) or ‘simnel’ (twice baked) bread.* The word ‘wastel’ is no doubt (by the very common transposition of the ‘s’) the Old Northern ‘veitsla’ (feast), the wastel bread being what should always be given to guests. ‘Veitslu-dagr’ is *dies epularis*.

These two sentences seem to me to shew that part at least of the ordinances found in this return were copied from the now lost ordinances of some gild much older than the date when this one itself began.

* In a vocabulary of the early part of the fifteenth century, contained in Mr. Mayer’s privately printed volume of *Vocabularies*, no less than twelve sorts of bread are named (pp. 197, 198). But among these there are many of very coarse quality, and not made from wheat. Wastel, cocket, and simnel are the only sorts recognized in the “Assise of Bread.” In the *Vision of Piers Plowman*, the contrast between the sorts of bread is strongly put. Piers tells Hunger that,

“A lof of Benes and Bren, I bake for my children;”

but adds that, after harvest,

“Ne no Beggare eten Bread, þat Benes inne come,
Bote Cocket and Cler Matin, an of clene whete.”

(Mr. Skeat’s edition of the *Vernon Text*, pp. 89, 90.)

See further, the Note at the end of the “Usages of Winchester,” in Part III. of this work.

XXXIX.

[GILD OF ST. JAMES,] NORTH LENNE, SANCTI EDMUNDI.*

In ye honour of ihesu crist of heuene, and of his modyr seynte marie, and of alle holy halewen, and specialike in the honour of seynte James, of qwom owre fraternite is foundyn and stablyd. Yeis arn ye ordynnaunces of our Gylde, ordeynd be alle the hol fraternite. Yat ther shuln ben foure morwespeches be 3ere. Ye first shal be aftere ye drynke: ye secunde shal be ye sunday nest aftere the fest of sein mihel: ye thryd shal be ye sunday nest aftere the pyffanye: the ferde shal be the sunday nest aftere ye fest of sen Barnabe apostel. And who-so be somound to any of yeise morwespeches, or to any othere, and he be in hele, and wille nouht comen, ne make non attorne for him, he shal paye to ye list half a pound of wax. And if ye Deen falie of his somouns, he shal paye, for ilk a broyere and sistere nouht somound, to ye amendement of ye list, j.d. And also ordeynd it is, yat eueriche broyere and sistere shal paie, at eueriche morunspeche, ob. to ye wax, for to meyntene iij. Candelle brennend a-forn ye seint† of seint Jame, in ye wor-schepe of god and of yat holi seint, seynt Jame, in ye tyme yat diuine seruise is seyde in festiualle dayes. And who-so be chosen in offyce of Alderman, and he for-sake ye offyce, he shal paie, to amendement of ye list, j.li. wax; and eythere skyueyn, j.li. wax;

Four meetings shall be held every year, to each of which every one shall come, under penalty.

The Dean shall be fined if he fail to summon any.

Three candles shall be kept burning during divine service.

Officers chosen, and not serving, shall be fined.

* CCCX. 141. Condition, fair; but a large piece destroyed.

† So in original. No doubt "altar," or "image," was intended to be written.

New-comers shall pay the house-
fees, and find
sureties for pay-
ment of entrance-
money.

Services on death,
and offerings.

Masses for souls of
the dead.

Allowances to
officers at feast-
times.

Help to needy
bretheren and
sisteren.

Unruly speech
shall be punished
by a fine.

One belieing or
wronging another,
shall pay a fine.

The ale-chamber
shall not be
entered.

The Stewards
shall find sureties
for the goods of
the gild, and
render an account
at the yearly
general meeting.

No noise nor
jangling allowed
during feast or
meeting.

and ye Deen, j. quarter *li.* wax. And who-so entre in to yis fraternite, he shal paie ye rythes of ye hous, sone-so he cometz in : to ye Alderman, *ij.d.* ; to ye Clerk, *j.d.* ; and to ye Deen, *j.d.* ; and to ye wax, *j.d.* ; and fynden suffisand borwes to make ye payment of his couenauns for his entre. And if any broyere or sistere of yis Gylde be ded, he shal do come ye Candelles of ye Gylde to ye Dirige, and warn alle ye Gylde breyeren and sisteres to comen and offren *ob.* atte cherche ; and he y^t cometz nouht to ye offrend, he shal paye, at ye next morwespeche, *j.d.* to the almus for ye sowle. And if any broyere or sistere be deed, he shal haue, of ye propre Catel of ye Gylde, *xxx.d.* to messes for his sowle, and ye Alderman and ye Skeueyns shuln do synge tho messes qwer-so welyn yei shuln. And qwo-so be Alderman, he shal haue, atte euenes, eythere euene, a galoun of ale and a qwynt lof ; and ye Skyueyn, eithere heuen, a potel of ale. And if any brothere or sistere of ye Gylde falle at any meschef, he shal han, in ye wooke, qwytes he leueth, *iiij.d.* to sustynaunce. And who-so be rebel of his tunge a-geyn ye [*Alder*]man, or ageyn any of ye Gylde bretheren or sisters, in [*time of dryn*]kyng, or* of morwespeche holden, he schal paie, to [*ye amendement*] of ye lizt, *di. li.* wax. And if any broyere or sistere of y[is *Gilde bere*] his broyere or his sistere any falsed or wronge [*on hand, and it may*] be proued be ye Gylde bretheren or sisteres, [*he shal paie, to ye amen*]dement of ye lizt, *j.li.* wax. And who-so [*entretz in-to ye chambre*] there ye ale lythe inne, w^t-oute [*leue of men of offyce, he shal*] paye to ye lizt *j.d.* And ordeynd is, ye Skyueyns schuln [*have*] in hand hem, be sufficiaunte [*borwe*]s, to bryng wespeche bi-forn [*ye Alde*]rman, and vp-on table. And w[*ho-so*] faly, y^t paye to ye lizt *ij.li.* wax, or h[*is borwes for him*]. And who-so make noyse or ianglyng in tyme [*of drynk, or of morwespeche*] holden, and ye Deen comande hym be [*still, and he wil nout, he shal*] paye to ye lizt *di. li.* wax, or lesen ye [*Gilde, but if he*

* This word is written "of" in the MS. But it is so plainly a slip of the pen, that I have read it as if the letter "r" had been written.

haue grace. And] ye Deen shal haue for his traualie, be 3ere, Salary of the Dean.
 iiij.d. And [*ordeyned*] is, be alle ye Gylde breyeren, y^t euerilke
 broyere and sistere shal paye to ye Almus, for evere-ilk broyere Alms for souls' sake.
 and sistere [. *for*] his soule.

Johannes Knolles, Alderman : et nichil habet de Catellis. The gild has no stock in hand.
 North Lenne.

XL.

[GILD OF ST. EDMUND,] NORTH LENNE, SANCTI EDMUNDI.*

Four meetings shall be held every year, to each of which every one shall come, under penalty.

The Dean shall be fined if he fail to summon any.

Three candles shall be kept burning during divine service.

¹ (*sic.*)

Officers chosen, and not serving, shall be fined.

New-comers shall pay house-fees, and find sureties for payment of entrance-money.

In ye honour of ihesu crist of heuene, and of his modere seinte marye, and of alle holi halowen, and specialike of yat holi martyr seint Edmunde ye kynge, yis ffraternite is foundyn and stabled. And yis Gylde shal haue foure morwespeches bi ȝere. Ye first shal be aftere ye drynke : ye secounde shal bene ye first sunday of lentone : ye yridde shal bene ye sunday aftere seinte Thomas ye martyr : ye fourte shal bene ye sunday aftere seint Dionise. And who-so be somound to any of yise morwespeches, or to any oyere, and he be in hele, and ne while nouht come, ne make attorne for him, he shal paie to ye list half a pounce of wax. And if ye Deen faile of his somouns, he shal paie, for ilke a broyere and sistere yat is nouht somonde, to amendement of ye list, *j.d.* And also ordeynd it is, yat eueriche broyere and sistere shal paie, at euerich morwespeche, *ob.* to ye wax, for to mentene iij. Candelle brennend a-forn ye seint, in ye worschepe of god and of y^t iche holi seint, seint Edmunde ye kynd¹ and martyr, in ye tyme yat diuine seruise is seyde in festiuale dayes. And who-so be chosen in offyce of Alderman, and he for-sake ye offyce, he shal paie, to amendement of ye list, *j.li.* wax ; and eythere skeueyn, *di.li.* wax ; and ye Deen, quarter *li.* wax. And qwo-so entre in to yis fraternite, he shal paie ye rightes of ye hous, sone-so he cometȝ in : to ye Alderman, *j.d.* ; to ye Deen, *ob.* ; to ye Clerke, *ob.* ; and to ye wax, *ob.* ; and fynde suffisaunde borwes to make ye paiement of his couenauns for his

* CCCX. 149. Condition, fair ; but a large piece destroyed.

entre. And if ani broyere or sistere of yis Gylde be deed, ye Deen shal do come ye Candelle of ye Gylde to ye dirige, and warne alle ye Gylde breyeren and sisteres to comen and offre an halpeny at ye kyrke ; and he yat comet3 nouht to ye offrende, he shal paie, at ye next morwespeche, to ye almus, *j.d.* for ye soule. And if any broyere or sistere of yis Gylde be ded, he shal haue, of ye propre Catel of ye Gylde, *xxx.d.* to messes for his soule, and at ye Alderman and ye Skeueyns do singe yo messes. And who is rebel of his tunge a-geyn ye Alderman, or a-geyn ani of ye Gylde breyeren or sistere, in time of drynke or of morwespeche holden, he shal paie, to amendement of ye lizt, *di. li.* wax. And if any broyere or sistere of yis fraternite bere his broyere or sistere ani falsed or wronge on hande, and it may be proved bi ye Gylde breyeren or sisteres, he shal paye, to amendemente of ye lizt, *j.li.* wax. And who-so entret3 in-to ye Chaumbre yere ye ale lyt3 inne, with-oute leue of men of offyce, he shal paie to ye lizt *j.d.* And ordeynd is, yat ye Catel of yis Gylde yat ye Skeueyns shulen haue [*in hand*] shal be deliuered to hem, bi sufficiaunt borwes to brynge ye catel, [*at ye ge*]neral morwespeche, bi-forn ye Alderman and ye Gylde breye[*ren and sisteres, and leyn*] doun vp-on ye table bi-forn ye Alderman. And wh. paiement, he shal paie to ye lizt of ye gylde And who-so make noyse or iangele in time of and ye Deen comaunde hym be stille. *di. li.* wax, or lese ye fraternite of uaile, bi jere, *iiij.d.* And ordeynd. and sistere shal paie to ye alm

Services for the dead, and offerings.

Messes for souls of the dead.

Unruly speech shall be punished by a fine.

One belicing or wronging another shall pay a fine.

The ale-chamber shall not be entered.

The Stewards shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

No noisc nor jangling allowed during feast or meeting.

Salary of the Dean.
Alms for souls' sake.

The Alderman of the gild.

Robertus Kocsoun, Al.

XLI.

[GILD OF CANDLEMASS,] NORTH LENNE, SANCTI EDMUNDI.*

Four meetings shall be held every year, to each of which every one shall come, under penalty.

The Dean shall be fined if he fail to summon any.

Three candles shall be kept burning during divine service.

¹ (*sic.*)

Officers chosen, and not serving, shall be fined.

New-comers shall pay the house-fee, and find sureties for payment of entrance-money.

In the hon^re of ihesu crist of heuen, and of is modere seinte marie, and of alle holy halowen, and specialike of ye fest of oure lady yat is cleped Candelmesseday, this fraternite is founden and stabled. And this Gylde shalle hauen foure mornspeches by 3ere. The fyrste shalle ben the morn nexte aftere Candelmesday. The secunde shalle be the sunday next aftere y^e feste of ye Annunciacioun of oure lady seinte marie. And the thredde shalle ben ye sonday next aftere y^e feste of y^e Natiuite of oure lady. The fourthe shalle ben ye sonday next aftere ye feste of ye Concepcioun of oure lady. And who-so be somound to any of yis morunspeches, or to any othere, and he be in hele, and he wille nouht come, ne make none attorne for hym, he shalle paye to ye lyzt j. *li.* wax. And if ye Deen faile of his somouns, he shalle paye, for ilke a broyere and sistere yat is nouht somond, *di. li.* of wax. And also ordeynd it is, yat eueriche broyere and sistere shal paye, at euerich morunspeche, *ob.* to ye wax, for to meyntene iij. Candelles of wax brennend aforn ye¹, in ye wor-schipe of god, and of iche holy mayden our lady seint marie, in ye tyme yat diuine seruise is seyed in festiualle dayes. And who-so be chosen in offyce of alderman, and he for-sake ye offyce, he shalle paye, to amendement of ye lytz, ij. *li.* of wax; and eythere skyueyne, j. *li.* of wax; and ye Deen, *di. li.* of wax. And who-so entre in to yis fraternite, he shalle paye y^e ryztes of ye hous, soon-so hee comen in: to ye Alderman, j. *d.*; to ye Deen, j. *d.*;

* CCCX. 207. Condition, fair; but a large piece destroyed.

and to ye wax, *ob.*; and fynden sufficiaunt borwes to make ye payment of ys couenantez for is entree. And if any broyere or sistere of this gylde be ded, he shalle do comen ye Candelle of ye Gylde to ye Dirige, and warn alle y^e Gylde breyeroun and sisters to comen and offren *ob.* atte ye Chirche: and he yat cometz nouht to ye offrend, hee shalle paye, atte next morunspeche, *j.d.* to ye Almus for ye soule. And if any broyere or sistere of yis Gylde be ded, hee shalle haue, of ye propre catelle of ye Gylde, *xxx.d.* to messes for is soule. And ye Alderman and ye Skyueyns shun* do syngge y^e messes, vppoun ye disposicioun of ye Alderman and ye Skyueyns. And who-so be rebelle of is tonge agayne ye Aldre[man], or agayne any of ye Gylde bretherene or sisteren, in tyme of [*drynk*] or of morunspeche holdene, hee shal paye, to amendement of ye lyt³, *j.li.* [*wax.* And] if any broyere or sistere of yis fraternite bere is broyere or sistere any [*falsed or wrong*] on hande, and it may be proued by ye gylde breyerene or sis[teren, *he shal paye, to a*]mendement of ye lyt³, *j.li.* wax. And who-so entre in [*to ye chaumbre yer ye ale lyt³*] in, wt-out leue of men of office, he shalle he shal† ordenyd is, y^t y^e catelle of yis Gylde y^t y^e sk shalle be delyuered to hem by suffysaunt general morunspeche be-for ye Alde table; and who-so faille yat d or is borwes for him. And or of is morunspeche holden nouht, he shal paye to ye by zere, *iiij.d.* And ordey and sistre shalle paye to ye ye soule.

Services for the dead, and offerings.

Messes for souls of the dead.

Unruly speech shall be punished by a fine.

One belieing or wronging another shall pay a fine.

The ale chamber shall not be entered.

The Steward shall find sureties for the goods of the gild, and render an account at the yearly general meeting.

Almes for souls' sake.

John Knolle, Alderman ye se
North Lenne.

* This word has a scratch over it, which may be accidental, but which (though, if so, very unusual) may be intended for a mark of contraction, as if the word should be read "shullen." But there is no other instance of the kind throughout these returns. "Schun" (before, p. 67, twice) has no such mark.

† These two words are thus twice written in the original.

XLII.

[GILD OF THE HOLY TRINITY, WYGNAL, NORFOLK.*]

Certificacio fundacionis et regiminis gilde Sancte Trinitatis de Wygnale, per Aldermannum eiusdem.

Latin prayers shall
be said, out of the
Church Offices.

Burials at cost of
the gild.

Drowned men
shall be searched
for.

In the worchip of god, and of his modur marie, an specialy of the holi trinite, in qwhose worchip this fraternite is begonne. Sey a pater noster, and Aue pur charite, and ne nos, &c.; laudemus qui fecit celum, &c.; Benedicamus patrem, &c.; laudemus, &c.; Benedictus es domine, &c.; per signum sancte crucis, &c.; In omnem terram exiuit sonus eorum, et in fine orbis, &c.; Oremus, Oremus, Omnipotens, &c.; Be-sege we ihesu crist mercy, for the pees, an for the stat of holy chirche, for the pope of Rome an his Cardinales, &c.; vt in Pulpito.† And for alle the gilde bretherun an sisterun that this gilde furst begonne, and lengest sal vp-haldene, says a pater noster, Phalmus Deus misereatur nostri, &c. Also qwat brother or sustre die, and he may noughte be broughte to the hergdes wyt his owne catelle, he sal be broughte wyt the broderhedes. And if he be drowned in water, he sal be soughte vj. myle about, and the lyghte be broughte be-for hem to the kirke. Other fundacioun es ther non.

* CCCX. 20. Condition, disfigured by the use of galls.

† The MSS. of this and the two following returns are in such bad condition, that I feared that some of the initial words of the prayers named in them might not have been correctly taken down. I am indebted to the courtesy of the learned author of "The Church of our Fathers" (already quoted in the Introduction), for the verification of their correctness, save in a few cases where the scribe of 1389 has made *literal* blunders too obvious to mislead any one.

XLIII.

[GILD OF THE ASSUMPTION,] WYGGENALE, *en Contee de Norffolk.**

Anno regni Regis Richardi secundo¹ viij^o., die Assumptionis. ¹ (etc.)

In ye worschipp of Jhesu crist, and of is dere moder seynt mare, and ye holy feleschipp of heuene, and specialy of oure lady sent mare of ye assuncion of oure lady, in wyche fraternite ys be-gunne, in ye ton of Wygenhale, for to worschippe oure lady. In ye worschipp of god and of is moder, in a-mendement of oure lyff, and sauacion of oure saules, and sayes a Pater noster and a aue pur charite.

Laudemus Deum, &c. Benedicamus pater, &c. Benedictus es, &c. Per signum sancte, &c.

Latin prayers to be said out of the Church Offices.

Maria virgo semper letare, que meruisti Christum portare, celi et terre conditorem, quem de vtero tuo protulisti, mundi Saluatorem. Deo gratias.

Be-seke we Jhesu crist mercy, ffor ye state of holy chirche and al yer-to longes.

English prayer of this gild, for the Church ;

Also we schal be-seke for oure lord Kyng Richard of ynge-lond, and for ye qwene, and ffor alle ye baronyge, and for alle yat to yam longes, yat gyff yam grace to ouer-come ere enmys.

for the King, Queen, and baronage ;

Also we schal be-seke for ye pope of Rome, and ye Patriarcke of Jerusalem, and for alle holy kirkè, and al yat to it longes.

for the Pope and the patriarch ;

Also we schal be-seke for ye holy lond, yat Jhesu crist, for is mekul mercy, brynge it in to criste powere.

for the holy land ;

Also we sal be-seke for y^e frutte y^t is on ye herthe, yat god send it soche wedurynge y^t may turne cristen men to profyt.

for the fruit of the earth ;

* CCCX. 119. Condition, very bad.

for shipmen and
travellers;
for the founders of
the gild;

And for schipp-men and for al men yat trauayle, be se and be land. And for al yat yis fraternite first be-gunne, and longes wil vp-hold. And yei to saye a pater noster pur charite.*

Deus miseriatu'r nostri, &c.; Gloria patri, &c.; Kyrieleison, &c.; pater noster, &c.; Dies fuit, &c.; habundat quemcumque; Deus a quo, &c.

and for the souls
of the dead and
the living.

Also be-seke Jhesu mercy for oure fadere saules, and for oure modere saules, and for ye cristе saules yt ben in ye bitter payne of purgatore, and for al ye brethire saules and sisturres yat to yis fraternitee longes, and maynteynen in ye worschipp of oure Lady. Says a pater noster, &c.; De profundis, &c.; oremus; Incline Domine ne fideles, &c.; benedicite dominus, &c.; Ille nos benedicat. Godes helpe be a-mong vs. Amen.

Names of the
bretheren and
sisteren of the
gild.

Johannes de Tydde.
Robertus de Gedney.
Adam Halyward.
Robertus Helys.
Johannes Dey.
Thomas de Tyingetoun.
Johannes Gerard.
Johannes de Heyssewelle.
Johannes Wyntur.
Galfridus Lewer.
Ricardus Mayden.
Laurence Laycy.
Thomas Drewry.
Cicillia Leman.
Angneta Haliward.
Asselyn Millener.
Beatrix Deye.
Isabella Laicy.
Cicillia de Tydde.
Katerina Witrassе.
Margareta Garenelle.

* Compare with this the very remarkable prayer of the Gild of St. Christopher, Norwich, before, pp. 22, 23.

..... Wyntur.

Alicia Paschelewe.

Alicia Gerard.

Angneta Spense.

Katerina de Gedney.

Alicia Daundy.

Elena Williams, filia....

Qwat brother or systur dey of yis fraternite, if he deye soden dede, be water or be lond, he schal be soughte vj. myle a-boute, of oure cost, if he be nought of power to pay for hym-self; and oure lythe to ye derige and to ye kirke; and ye next sonunday aftere, he schal haue ix. messes. And al yo y^t were naught at ye beriyng of ye corse, schal pay a ob. to oure lady lyght, and to ye leuacion of godes bodi ... kepe, if may so far reche.

Search shall be made for any one dying suddenly, by water or by land; and he shall have burial services.

Qwat brothere or systure bere other any falsed on hand, and schal paye to ye lyght ob.

Any one belleing another shall be fined.

Ista sunt debita de gylda de Assumsionis beate marie, in villa de Wygenhale.

Goods of the gild.

Robertus Helys habet de moneta, _____ vj.s. viij.d.

Thomas Drewre debet _____ xl.d.

Qwat man yat comes nought to yis toy morunspeche, he schal pay to yis lyght a ob.

Any one not coming to the two meetings shall be fined.

[Several names have been written on the back of this roll, with some accompanying description; but the whole is now quite illegible.]

XLIV.

*Certificatio regiminis GILDE DE CRANBONE, in villa de WYGNAL, per Thomam Chapeleyn, Aldermannum.**

Latin prayers to be said, out of Church offices.

English prayer of this gild, for the church, pope, cardinals, patriarch, archbishop of Canterbury, and other bishops, &c., king and queen, and the commons of the realm.

In hon^r of ihesu of heuen, and of his moder seinte marie, an of alle halwen, and specialy of seint Johan the Ewangelist, in qwose worchip this fraternite is be-gunne. Sey a pater noster; pur charite; Et ne nos, &c.; set libera nos, &c.; laudemus deum, qui fecit celum, mare, et omnia que in eis sunt; Benedicamus patrem, &c.; laudemus, &c.; Benedictus, &c.; per signum sancte crucis, &c.; In omnem terram exiuit; oremus; Ecclesiam tuam quis† domine, &c. Beseche we ihesu crist mercy, for the pees and state of holy chirche, for the pope of Rome an the cardinals, for the patriak of Jerusalem, and for the stat and pees of holy chirche:—meinten hem and susten hem; and for the Archibischope of Canterbury, and the Bischope of Norwyche, and for the Prioresse of Crabous,‡ and for alle the couent, and for alle Archibischopes, Bisshopes, Abbotes, Priours, an for alle men and wommen of religioun; and for the kynge and the

* CCCX. 139. Condition, very bad.

† This seems to be a mistake for "quæsumus," or for some contraction of that word; but it is plainly "quis" in the MS., and it has no mark of contraction over it.

‡ It is right to say that this name could not have been made out from the original return alone. But, on comparing it with an ancient MS. in my possession (formerly in the famous Dering collection, but once belonging to Sir Roger Twysden), which gives names and particulars of the old abbeys and priories in England and Wales, I find that all the remains of the word that can be traced in this return (except the dropped "h," and "u" for "w"), agree with the name "Crabhowes," which is recorded in that MS. as being in the county of Norfolk. See also Tanner's *Notitia*, Norfolk, "Crabhouse."

qwene, and al the Comones of this Roialme, vt patet in Pulpito, &c. And also more-ouer, this is the ordinance of this Gilde, apud Cranbone in villa de Wyggenale; qwyche was be-gunne in the day of Seint Johan the Ewangelist, in the 3ere of Kynge Richard second xj^o. That if any man be ded of this fraternite, wyt-inne vj. myle about, o lond or of watre, and the lyghte sal be brought to bery hym, wyt the cost of al the companie. And qwo-so of that companie absent hym fro the beryyng, he sal paie an alpenie to the gilde. Also, if any mann of companie ben wrothe, they sal take tway men of the brethere to accorden hem; and if they mowe nought accorden hem, ethir sal peye a peny to the lyghte, an pursue to the Commone laghe qwer-so-euer they wylle. Also more, tway dais of mornspeche in the yere: that is for to say, on the day aftir day of seint Thomas in Cristimasse: the secounde, seint Thomas day of Canterbury. And qwo-so comythe nought to the day, if the ben in town, the sal paie an alpenye to the lyghte. Also we haue a peyntid clothe that cost xl.s., qwyche was ordeined to hang in the chirche in the¹ of seint Johan on hes festes. Also, we fyndyn a torche to servyn atte leuacion in time of messe. An be-for the ymage of seint Johan we fynden iij. Candelie of wax. And non other fundacion no gouernynge es in oure [*gilde*].

The gild was begun A.D. 1387.

Burials at the cost of the gild.

Every quarrel shall be brought before two bretheren.

Two meetings shall be held every year.

Goods of the gild.

¹ (*sic*.)

XLV.

*Certificatio fundacionis et regiminis GILDE SANCTE TRINITATIS, de WYGNAL, per Willelmum Cautyng, Aldermannum ejusdem.**

Four meetings
shall be held every
year.

Payments to be
made at these
meetings.

The gild was
begun A.D. 1387.

Goods of the gild.

In honr of ihesu crist, and his modir seinte marie, and al the holy felichipe of heuen, an specialy of the Trinite, in qwom this fraternite is begonne, be al the conseil of xxxj. bretheren and sisteren ; for to hold foure mornspeches in the yere, in worchipe of the Trinite, and in amendement of al holy chirche, and helpyng of oure soules. The first mornspeche, of Trinite sunday: the seconde, after seint Johanes day in heruest: the thred, on sunday after seint andrewes day: the fourt, on mid-lentene sunday. Also, that eueriche mann be redy at thys foure days, for to paie to the holy Trinites light *ob.* Thys is accorde be al the holy† berthere. In the yere of Kynge Richard xj. this gilde was begonne: and therto, in worchip of god and holy cherche, William Cautyng, Aldermann of the forsaide gilde, and alle the bretheren and sisteren, paien a certain somme of seluer to leghte of Trinite, qwyche amont to vj.s. ij.d. *ob.* Other fundacion no gouernynge is noughte in oure gilde.

* CCCX. 144. Condition, fair.

† This word "holy" is so in the MS.; but it is clearly a mistake for "hole" = *whole*.

XLVI.

[GILD OF ST. PETER,] WYGGENALE, *en Contee de Norfolk*.*

In honoure and worschippe of Jhesu crist, and of is dere moder sent mare, and al ye holy feleschipp of heuene, and specialy of ye holy a-postille sent Peter, in qwhose [worschippe] this fraternite is be-gunne. For to hold toy morunspeches in ye ȝere : ye first, at ye fest of sent Peter ye a-postil ; ye secunde, ye sonunday next after ye twelft day. And, at ye general day, yat ilke a brother be redy wit othir, to go to ye kirke wit is brethere wit a garlond of hoke Lewes.

Two meetings
shall be held every
year.

All shall go to
church with a
garland of oak
leaves.

Yis is hordenned be ye a-sent of al ya brethere and systurs of yis fraternite: yat euer-iche brothere and systure be redy to go to ye kirke, wen any brothere or systure is ded of yis fraternete; and yat euer-iche brothere hoffer a ob.; and yat iche a brother gyff a halpeny wortht of bred for is soule, and yat he haue vij. messes songen for is soule.

Service for the
dead, and
offerings.

Bread to be given,
and masses sung,
for souls of the
dead.

And also, if he dey, yat is for to say if he be perichee be water or be lond, yen schal is gyld brethere gare seke him iij. myle aboute, and brynge him to cristen mennes bereynge, if he be nouȝt in power of is owen catelle; and ye lyght be brought be-for hym to ye derige, and to ye kirke; yat is for to say, a torche yat schal bren at ye leuacion of ye messe euer-iche sonnunday. Also wen yat ye brethere and sisture ben geyderd at yere generale day, qwat godes man come to oure fraternite, he schal haue mete and drynke, qwyles it wil last. And also a taper for to bren be-for sent Petur, of a pond of wax.

Men dying by
water or land to
be searched for
and buried.

Meat and drink to
be given at the
yearly meeting.

* CCCX. 163. Condition, fair.

[Indorsed on the foregoing return is the following:—]

Catella de gylde Sancti Petri in Wygenhale, in ye ton ende :—

Goods of the gild.

Willelmus Cautyng _____ v.s. vj.d.

Willelmus Harald _____ v.s. vj.d.

XLVII.

[GILD OF] EST WYNCH, *de Comitatu Norfolcie*.*

In ye honowre of ihesu cryste, and of hese modyir seynte marye, and of al ye companye of hewene, and specialleche of sen Jon ye baptyst, in qwhose name yis gylde is hordeynyed. Yis gylde chal have foore morwe-spechiis: ye fyrste morwe-speche schal ben on sen Jon day; ye secunde schal ben on ye swnday after ye feste of sen micael; ye yrede schalben on sen Jon-is day in cristemesse; ye ferde schalben on ye sunday after crowchemesse dai. Yis gylde schal have an haldyrman, and to screweynys, and a clerk; and qwat man yt comyt in, he chal payn a peny to ye wax, and a peny to ye clerk. And hewery yer schal ye aldyrman callyn vp fore men of ye breyern, for to chesen aldyrman, and to screweynys yt ben profitable for to kepyn ye gelde catel: and if ony of hem for-sake hys office, yt is to seyne, ye aldyrman schal payn halwe a pownd of wax to ye leyt of sen Jon, and eyther screweyny a qwarter of wax. And if ony broyer or sister be ded of yis gelde, he chal have ye candelle of ye gylde to ye derige, and ewery broyer or syster chal offeryn a ferzyng, and yewen anoyr for ye soule. And qwat broyer or sister yt comyt nowt to ye offeryng, he chal payn, at ye nexte morwe-speche, a peny to ye elmesse. And qwat broyer or sister be det [*of*] yis gylde, he chal hawen xiiij. messes of ye pro-pir cat[*el of*] ye gylde. And if ony broyer or sister be sek on general d[*ay, he chal*] hawen a lof, and a potel of ale, and mes of

Four meetings shall be held every year.

Officers of the gild, and their fees.

Officers shall be chosen by picked men.

Officers chosen, and not serving, shall pay a fine.

Services for the dead, and offerings.

Masses for souls of the dead.

Allowance to members in sickness.

* CCCX. 64. Condition, fair; but a piece destroyed.

The gild was
begun temp.
Rich. II.

kechen [*stuff*. And] yis gylde was ordeynyd and be-gwnyn in
ye [. . . *yere of the regne*] of kyng Ric. y^e secunde.

Alderman and
Stewards of the
gild.

Aldyrman, William of Hely

Screweys, Johannes Sm

Thomas



